

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26141 of 2023

Arising Out of PS. Case No.-90 Year-2021 Thana- RANIYATALAB District- Patna

1. TUNTUN KUMAR SON OF DHANANJAY KUMAR RESIDENT OF VILLAGE- JANPARA, BARAH PS- RANI TALAB, DISTT- PATNA, (OWNER OF POKLEN MASCHINE OF JCB COMPANY YELLOW COLOR, ENGINE SL NO. 84858747
2. RAMVINAY YADAV SON OF SURESH YADAV RESIDENT OF VILLAGE- LAHLADPUR , SAIDABAD, PS- RANI TALAB, DISTT- PATNA, (DRIVER OF POKLEN MASCHINE OF JCB COMPANY YELLOW COLOR, ENGINE SL NO. 84858747

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Rani Talab P.S. Case No. 90 of 2021, registered for the offences punishable under Sections 379, 411, 420/34 of the Indian Penal Code, Rule 21 of M.M.D.R. Act, 1957, and Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019-11/56.

It is alleged that on the alleged date and time of occurrence, the informant along with other officials and police personnel had conducted a raid at Lahlaadpur, Janpara, Butuchhapra, Gona and



Janpara-1 Baalu Ghats, where illegal mining was being resorted to and several vehicles including poclain machines, JCB, tractors etc. were confiscated, which were engaged in illegal mining.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioners are owner and driver of poclain machine and earlier when the mining had not been banned, they were engaged in legal mining, however, after the ban was imposed on 01.05.2021, the heavy machines could not be moved immediately and on account of that the said poclain machine was lying at the place of occurrence and the informant has falsely implicated the petitioners, although they were not engaged in any illegal mining activity. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by co-ordinate Bench of this Court, vide orders dated 28.04.2022 passed in



Criminal Miscellaneous No. 62366 of 2021,
Criminal Miscellaneous No. 63548 of 2021 and
Criminal Miscellaneous No. 64731 of 2021,
respectively.

Per contra, the learned A.P.P. for the State
has vehemently opposed the prayer for grant of
anticipatory bail.

Having regard to the facts and
circumstances of the case, considering the
submissions made by the learned counsel for the
parties and taking into account the materials
available on record as also considering the parity
of the case of the petitioners with that of the co-
accused persons who have already been granted
the privilege of anticipatory bail, I deem it fit and
proper to admit the petitioners herein to the
privilege of anticipatory bail.

Accordingly, the petitioners, above named,
are directed to be released on anticipatory bail in
the event of their arrest/surrender before the court
below within a period of four weeks from today, on
furnishing bail bond of Rs. 10,000/- (Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Danapur in connection with Rani Talab P.S. Case No. 90 of 2021, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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