

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34939 of 2023**

Arising Out of PS. Case No.-31 Year-2023 Thana- SHAHKUND District- Bhagalpur

1. SONU KUMAR Son of Sri Mantu Vaidya Resident of Village Kamalpur, Post- Mohdipur, P.S. Sajour (Shahkund), District- Bhagalpur
2. MANTU VAIDYA @ MANTUN VAIDYA @ MANTU MANDAL Son of Late Jaldhar Vaidya @ Jaldhar Mandal Resident of Village Kamalpur, Post- Mohdipur, P.S. Sajour (Shahkund), District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Madhav Krishna, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

- 6      25-09-2023      Heard learned counsel for the petitioners and the State.
2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 379/34 of the Indian Penal Code and sections 11, 39, 56 of the Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage Rules, 2019.
3. As per the prosecution case, petitioners dig the soil without Government permission and caused revenue loss of Rs. 7,97,803/-.
4. By filing supplementary affidavit learned counsel appearing for the petitioners submits that petitioner no.2 is land owner of the land in question and petitioner no.1 is his son. Learned counsel submits that total amount of penalty is Rs.1,48,117/- out of which petitioner no.2 has paid Rs.47,110/- towards the penalty to the Mines and Minerals Department through Challan (annexure 3 to the supplementary affidavit). Petitioners are ready to deposit the rest penalty amount to the



Mines and Minerals Department without prejudice to their right and contention and subject to final decision of the criminal case.

5. Considering the facts of the case, nature of accusation against these petitioners, let the petitioners, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in Shahkhund (Sajour) 31 of 2023, subject to conditions laid down u/s 438(2) of the Cr. P. C., as well as on the following terms and conditions:-

(i) At the time of furnishing bail bond Rs. 25,000/- shall be deposited in the concerned office of Mines and Minerals Department.

(ii) Rest amount shall be deposited in three equal installments within three months.

(iii) If the petitioners fail to comply with the aforesaid direction of this court, the court below shall be at liberty to cancel the bail bonds of the petitioners.

6. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail and aforesaid deposit shall be subject to outcome of the criminal case.

**(Prabhat Kumar Singh, J)**

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