

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30451 of 2022

Arising Out of PS. Case No.-120 Year-2020 Thana- RUDRAPUR District- Madhubani

1. VISHAL SINGH Son of Late Arjun Singh Resident of Village - Bhikhanpura, P.s.- Sadar, Distt.- Muzaffarpur, Bihar.
2. Riku Son of Late Arjun Singh Resident of Village - Bhikhanpura, P.s.- Sadar, Distt.- Muzaffarpur, Bihar.
3. Sita Ram Yadav Son of Mahadev Yadav Resident of Village - Dhobiya Paharia, PO.- Telaiya Dam, P.s.- Barhai, Distt.- Hazaribag, Jharkhand.
4. Vijay Yadav @ Birendra Yadav Son of Damodar Yadav Resident of Village - Sri Nagar, P.s.- Barhai, Distt.- Hazaribag, Jharkhand.
5. Basudev yadav @ Basudeo Yadav Son of Medhan Yadav Resident of Village - Dhobiya Paharia, PO.- Telaiya Dam, P.s.- Barhai, Distt.- Hazaribag, Jharkhand.
6. Chatru Yadv @ Chhatru Yadav Son of Nabba Yadav Resident of Village - Ward No.8, Panchayat - Chehal , P.s.- Jai Nagar, Distt.- Kodarma, Jharkhand.
7. Raju Yadav Son of Akalu Yadav Resident of Village - Aragaro, P.S.- Chandwara, Distt.- Kodarma, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Mining and Geology Department, Govt. of Bihar, Patna, Bihar.
2. Mines Commissioner, Mining and Geology Deptt. Patna. Bihar
3. Mining Inspector cum competent Authority, Madhubani. Bihar
4. Distt. Magistrate, Madhubani. Bihar
5. S.H.O. of the Rudrapur Police Station. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 04-07-2023 Heard Sri Pushkar Narayan Shahi learned senior counsel for the petitioners and Sri Naresh Dixit, Special P.P. for the Mines Department.

Sri Pushkar Narayan Shahi learned senior counsel for the petitioners has prayed for release of the truck in question which have been involved in illegal mining of sand as has been



alleged by the Mining Department.

Sri Pushkar Narayan Shahi, learned senior counsel for the petitioners submits that it is not illegal mining but the petitioners had entered into an agreement with the raiyat and they were extracting sand from the land of the raiyat.

On being asked whether the raiyat had taken permission from the Mining Department Sri Pushkar Narayan Shahi, learned senior counsel for the petitioners have not been able to produce any such documents.

Sri Naresh Dixit, Special P.P. for the Mining Department submits that the raiyat is also required to take permission from the Mining Department and then the sand can be extracted after payment of royalty to the Mining Department. The Mining Department has calculated royalty and fine of approximately Rs. 42 lakh.

Sri Pushkar Narayan Shahi learned senior counsel for the petitioners submits that out of the amount which have been calculated by the Mining Department, some amount has been deposited by the contractor.

Sri Naresh Dixit, Special P.P. for the Mining Department, submits that his department is ready for compounding, if the entire amount is paid by the 7 petitioners.



I have considered the submissions of the parties. It appears that the petitioners are involved in illegal mining and therefore, they must pay the balance amount of fine to the Mining Department. If such amount is paid to the Mining Department, the machines in question shall be released in favour of their registered owners. After payment of royalty, the Mining Department may take a decision to withdraw the prosecution.

With the aforesaid observations and directions, this application is disposed of.

(Sandeep Kumar, J)

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