

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33261 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- SHAMBHUGANJ District- Banka

KUNDAN KUMAR SINGH SON OF DHARAMVIR SINGH R/O Chak
Dhobai, P.S- Tarapur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. Learned counsel for the petitioner has produced E-challan regarding the payment of the loss amount to the concerned Department before the Court.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Section 11/41/56(2) of Bihar Minerals (concession, prevention of illegal mining, transportation & storage) Rule 2019 and Sections 4(1)/ 21 of MMDR Act 1957.

4. The prosecution case, in brief, is that, on 01.10.2022, the informant Awadhesh Kumar, Mines Inspector of Banka along with other police personnel conducted raid at Badua river



near Mahadevpur Goyda and saw a tractor was being carried. It is further alleged that on seeing the police personnel, the driver of the alleged tractor succeeded in fleeing away leaving his motorcycle on the spot. During assessment of mining area, the informant found that 600 CFT sand was illegally mined and transported by the owner and the driver of aforesaid vehicles due to which the government suffered a revenue loss worth Rs. 88,750/-.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Nothing has been recovered from possession of the petitioner. Petitioner has paid the loss amount i.e. Rs. 44,375/- (Rupees Forty Four Thousand Three Hundred Seventy Five) to the concerned department and learned counsel for the petitioner has also produced the concerned E-challan before this Court. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposed the prayer for bail.

7. Having regard to the facts and circumstances of the



case, as petitioner has already paid the loss amount to the concerned Department, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Shambhuganj P.S. Case No. 260 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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