

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44436 of 2023

In
CRIMINAL MISCELLANEOUS No.53870 of 2022

Arising Out of PS. Case No.-396 Year-2022 Thana- SHEKHPURA District- Sheikhpura

RADHEY SHARMA S/O HARANGI SINGH R/O Village Nimmi, P.S.
Shekhopur, Dist. Sheikhpura

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. THE MINERAL DEVELOPMENT OFFICER Bihar, Sheikhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Avinash Shekhar, Adv.
For the Opposite Party/s :	Mr.Jitendra Kumar Singh, APP
	Mr.Lalit Kishore, Adv. (Mines Dept.)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2023 The present modification application has been filed for modification of the order dated 06.02.2023 passed in Cr. Misc. No.53870 of 2022, as modified by order dated 19.04.2023 passed in Cr. Misc. No.24766/2023 to the extent of removing the condition of paying Rs.50 Lakhs per month for the next six months to the Mining department and also to extend the period to surrender.

2. It is submitted by learned counsel for the petitioner that vide order dated 06.02.2023 passed in Cr. Misc. No.53870 of 2022, this Court has granted anticipatory bail to the petitioner with a condition to deposit Rs.50 Lakhs per month for the next six months in the Mines Department, which shall be subject to



final outcome of the civil proceeding, where after, the same was modified vide order dated 19.04.2023 passed in Cr. Misc. No.24766/2023 and a condition was imposed that the said amount shall also be subject to the condition that the Mines Department will permit the petitioner to remove the stock of already excavated mineral lying at the mining site.

3. Learned counsel for the petitioner submits that in compliance of the said orders, the petitioner approached the mining department and expressed his desire to pay Rs.50 Lakhs per month for the next six months and requested to open the generation of e-transit challans, so that the petitioner may lift the materials but the officials of the district mining refused to accept the aforesaid payment and also refused to permit the petitioner from lifting the materials lying at the mining site. Therefore, the petitioner, who is ready to comply the condition imposed by this Court while granting of his anticipatory bail, is not being given the permission by the Mines Department for payment of Rs.50 Lakhs after opening of e-transit challans lifting the minerals. As such, the condition of payment of Rs.50 Lakhs in the Mines Department may be removed from both the orders.

4. Learned counsel for the Mines Department has not denied



this fact.

5. Considering the submission of learned counsel for the petitioner, the orders dated 06.02.2023 passed in Cr. Misc. No.53870 of 2022 and 19.04.2023 passed in Cr. Misc. No.24766/2023 are modified to the extent that the condition of deposit of Rs.50 Lakhs per month for the next six months to the Mining Department and related conditions be deemed to be omitted.

6. Further, in the interest of justice, the period to surrender is extended by four weeks from today in connection with Sheikhpura P.S. Case No.396 of 2022, pending in the court of learned Chief Judicial Magistrate, Sheikhpura.

7. Rest order shall remain intact.

8. The order dated 06.02.2023 passed in Cr. Misc. No.53870 of 2022 and 19.04.2023 passed in Cr. Misc. No.24766/2023 are modified to the extent as indicated above. Let this order be read along with the orders aforesaid.

9. Accordingly, this modification application stands disposed of.

(Anjani Kumar Sharan, J)

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