

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42465 of 2023

Arising Out of PS. Case No.-668 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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SANJAY CHOUDHARY @ SANJAY CHAUDHARY son of Late Ram Sagar Choudhary @ Late Ram Sagar Chaudhary @ Ram Sagar Chaudhary Village- Saharbanni Ward no-7, Ps- Alauli dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deptt. of Mines and Minerals, Govt. of Bihar. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, A.P.P.
For the Mines	:	Mr. Naresh Dixit, Advocate
	:	Mr. Brij Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 411 and 34 of the Indian Penal Code, Sections 11, 43, 56 and 18(3) of Bihar Minerals Concession and Prevention of Illegal Mining, Transport and Storage Act, Sections 4 and 21 of the Mines and Mineral Development and Regulation Act and Section 15 of Environment Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of



recovery of 100 Cft. of sand recovered from a tractor which was seized.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner was not present at the place of occurrence and he was completely unaware that the driver of the tractor would misuse the vehicle in the manner as alleged, it is also submitted that since the driver has misused his vehicle but then the responsibility lies on him and he will compound the offence since the offence is compoundable by depositing the amount as raised by the Department of Mines for compounding.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Simri Bakhtiyarpur (Bakhtiyarpur) P.S. Case No. 668 of 2022 subject



to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the petitioner on the date of surrender shall submit the receipt showing deposit of the amount with the Department of Mines, thereafter, only his bail bonds shall be accepted by the learned Trial Court.

(Satyavrat Verma, J)

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