

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44651 of 2023

Arising Out of PS. Case No.-56 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

BHOLA SINGH @ RAM SWARATH SINGH son of late Parma Singh
Village- Medanipur, P.S.- Sasaram (M), District - Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

2 29-08-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Sasaram (M) Police Station Case No. 56 of 2021, disclosing offences punishable under Sections 379 and 411 of the Indian Penal Code and Section 56 of the Bihar Minerals (Concession and Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

3. The prosecution case, as per the First Information Report, is that the sand was illegally stored by the petitioner on his land to the tune of 2700 cft., due to which the Mining Department has suffered loss of Rs. 75,951/-.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He further submits that without prejudice to his right and



contention, the petitioner is ready to deposit the loss amount to the Mining Department. He further submits that similarly situated co-accused persons have been granted anticipatory bail, upon deposit of loss amount by different co-ordinate Benches of this Court, vide orders, passed in 56290 of 2022, 50933 of 2022, 53237 of 2022 and 45022 of 2022.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner provisional bail, subject to the condition that the petitioner shall pay a sum of Rs. 75,951/- in the Office of the District Mining Office, Sasaram, in two installments.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas, at Sasaram, in connection with Sasaram (M) Police Station Case No. 56 of 2021, subject to the conditions



(i) as laid down under Section 438 (2) of the Code of Criminal Procedure;

(ii) the petitioner shall furnish receipt showing deposit of Rs. 36,975/- in the District Mining Office, Sasaram at the time of furnishing bail bond before the learned District Court; and

(iii) the petitioner shall deposit a sum of Rs. 38,976/- in the District Mining Office, Sasaram and furnish the deposit slip before the learned District Court, within a period of three months from today.

8. It is made clear that if the petitioner furnishes the proof of deposit of Rs 38,976 /-, in the District Mining Office, Sasaram, before the learned District Court within a period of three months from today, the learned District Court will confirm the provisional bail granted to the petitioner by this Court.

9. It is further made clear that if the petitioner fails to furnish the deposit slip of Rs 38,976 /- before the learned District Court within a period of three months from today, the learned District Court shall cancel his bail bonds.

(Sunil Dutta Mishra, J)

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