

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44826 of 2023

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

1. Gokul Singh @ Gokhul Singh S/O Late Gopal Singh R/O Village- Medanipur, Tola- Bhagwan Bigha, P.S- Sasaram(M), Distt.- Rohtas.
2. Pramod Singh S/O Late Gopal Singh R/O Village- Medanipur, Tola- Bhagwan Bigha, P.S- Sasaram(M), Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-08-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and under Section 56 of the Bihar Minerals (Concession and Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

3. As per the prosecution, the FIR has been lodged by the Assistant Director, Mines and Minerals, Rohtas, Sasaram in which 30 persons were made accused including the present petitioners. The allegation that the sand were illegally stored on the land of the accused petitioners by which they caused loss to

the State amounting Rs.92,829/-.

4. It is submitted by learned counsel for the petitioners that in the present petition, Gokul Singh and Pramod Singh are seeking anticipatory bail. He submits that two other co-accused (Bahadur Singh and Vinod Singh) have also filed bail application. Counsel for the petitioners submits that the said co-accused i.e. Bahadur Singh and Vinod Singh have deposited their proportional share of amount which is Rs.41,052 before District Mining Officer, Sasaram on 08.10.2021 and 13.12.2021 through e-challan, respectively.

5. Counsel for the petitioners further submits that the present petitioners and other co-accused Bahadur Singh and Vinod Singh are full brothers. Counsel submits that Rs.41,052/- has been deposited by brothers of petitioners. He further submits that the petitioners are ready to deposit the left amount i.e. Rs.51,777/- before District Mining Officer, Sasaram. He further submits that petitioners are farmers and doing agricultural work for their livelihood. He also submits that the other co-accused have been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 22.05.2023, 17.01.2023, 12.05.2023 in Cr. Misc. No.64355 of 2022, Cr. Misc. No.53047 of 2022 and Cr. Misc. No.14631 of 2023 respectively.

6. Learned APP for the State opposes the prayer for bail and submits that petitioners have caused loss to the Government as such they may be directed to deposit the said amount.

7. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 9 weeks from today, along with the proof that they have deposited the rest amount i.e. Rs.51,777/- before the District Mining Officer, Sasaram, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram P. S. Case No.56 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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