

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47058 of 2023

Arising Out of PS. Case No.-371 Year-2023 Thana- BIHTA District- Patna

Sonu Kumar Son of Shiv Pujan Ray Resident of Village-Pareo Tola, Police Station-Bihta, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines and Mineral Department through the District Mining Officer, Patna Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP
For the Dept of Mines	:	Mr. Naresh Dikshit, Advocate
	:	Mr. Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bihta P.S. Case No.371 of 2023 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 325, 353, 354, 307, 337, 338, 504, 506, 379 and 411 of the Indian Penal Code and Sections 11, 43 and 56 of the Bihar Mineral Amendment Act 2021.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 18.04.2023.

4. The allegation against the petitioner is to involve in illegal mining activities alongwith 47 named and 40 unknown



co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and his implication is based upon his identification from CCTV footage. It is submitted that mandatory certificate as required under Section 65-B of the Indian Evidence Act was not obtained as implication is totally based upon electronic evidence. It is submitted that allegation is appearing very much general and omnibus against petitioner without specifying any overt act. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and taking note of the fact as allegation against petitioner is appearing very much general and omnibus, where no specific overt act appears attributed from the CCTV footage suggesting, *prima facie*, involvement of petitioner in the present occurrence, coupled with the fact that charge-sheet has



already submitted, where petitioner is in custody since 18.04.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Bihta P.S. Case No.371 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Danapur, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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