

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53155 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- JOGBANI District- Araria

1. Ram Kumar, Son of Rajendra Prasad Singh, Village Dakshin Maheshwari Ward No 18, Police Station Forbesganj District Araria
2. Meera Devi, Wife of Rajendra Mandal, Resident of Village- Jogbani Haripu Ward No. 18, P.S.- Jogbani, Dist- Araria
3. Dayanand Mandal, Son of Lakhan Mandal, Resident of Village- Dakshin Maheshwari Ward No. 18, P.S.- Forbisganj, Dist- Araria
4. Sambhu Mandal, Son of Chhotelal Mandal, Resident of Village- Dakshin Maheshwari Ward No. 18, P.S.- Forbisganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Kundan Kumar Singh, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Jogbani P.S. Case No. 70 of 2023 registered for the offences under Sections 379, 411 of the Indian Penal Code, 21 MMDR Act and Rule 56(1) and 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 (Amendment Rules, 2021).

3. The police in course of vehicle checking, received



information with regard to illegal mining of the sand, conducted raid. However, on noticing the police personnel, the persons, who were present there succeeded in fleeing away after leaving their respective vehicles.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners no.1 and 2 have been made accused in this case in the capacity of the owner of the vehicles, whereas petitioners no. 3 and 4 are said to be the driver of the aforementioned vehicles. He further submits that the petitioners have no concern with the illegal mining, rather they were carrying the sand on the basis of valid Challan and moreover they have already punished appropriately, as their Tractors have already been seized. He next submits that other co-accused persons, having identical allegation, have been allowed the privilege of anticipatory by the learned coordinate Bench of this Court in Cr. Misc. No. 40593 of 2023 and Cr. Misc. No. 40635 of 2023 vide order dated 03.08.2023. He lastly submits that the petitioners bear fair antecedent and they undertake that they will fully cooperate in the investigation/trial.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the fair antecedents of the petitioners and the fact that the Tractors have already been seized, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria in connection with Jogbani P.S. Case No. 70 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one one the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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