

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53870 of 2022

Arising Out of PS. Case No.-396 Year-2022 Thana- SHEKHPURA District- Sheikhpura

RADHEY SHARMA Son of Harangi Singh Resident of Village - Nimmi, P.S.
Shekhopur, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mineral Development officer, Sheikhpura. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.
Mr. Naresh Dikshit, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-02-2023 Heard Mr. Suraj Samdarshi, learned counsel for the
petitioner, Mr. Naresh Dikshit for the opposite party no.2 and
learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 419, 420 and 406 of
the Indian Penal Code, Section 4 of Mines and Minerals
(Development & Regulation) Act, 1957, Rule 11, 43 and 56 of
Bihar Minerals (Concession, Prevention of Illegal Mining,
Transportation & Storage) Rules, 2019.

The petitioner, being the owner and Director of M/s
Arena Food and Agro Industries Private Limited, is said to
have involved in illegal mining and storage and thus caused
loss of huge amount of government revenue.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is wrong and baseless. He further submits that petitioner's company is valid license holder issued by Government of Bihar to excavate mines and minerals. Company i.e. M/s Arena Food and Agro Industries Pvt. Ltd. has also surrendered the mining area for which lease was entered. It is further submitted that the petitioner is the Director of Arena Food and Agro Industries Private Limited, which was granted mining lease for stone chips. The petitioner's company, being the highest bidder and offered Rs.29 crores for settlement period of five years for settlement, has paid the entire royalty amount and has also paid the interest for the delay in making such payment. It is lastly submitted that without prejudice to the interest of the petitioner, the disputed demand pending adjudication, the petitioner is ready to pay Rs.50 Lakhs per month for the next six months, if the Mining Department permits the petitioner to remove the stock of already excavated mineral lying at the mining site. Thus, a total three crores rupees can be paid to the department, subject to the final



outcome of the civil proceedings, as stated in paragraph-16 of the rejoinder filed by the petitioner to the counter affidavit of opposite party no.2. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for Mines and Mineral Department vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case as well as the fact that the petitioner is ready to pay Rs.50 Lakhs per month for the next six months to the Mining Department, subject to the final outcome of the civil proceedings, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sheikhpur P.S. Case No. 396 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

It is made clear that if the petitioner fails to abide by his undertakings to deposit Rs.50 Lakhs per month to the



Mining Department, the learned Court below would be at liberty to cancel the bail bond of the petitioner.

(Anjani Kumar Sharan, J)

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