

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61122 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- CHAKIA District- East Champaran

1. Ajay Kishore Singh S/O Harendra Singh R/O Village- Rupali, P.S- Saraiya, Distt.- Muzaffarpur.
2. Ranjeet Kumar S/O Late Harihar Rai R/O Village- Sujawalpur, P.S- Saraiya, Distt.- Muzaffarpur.

... .. Petitioners

Versus

1. The State Of Bihar Bihar
2. The Additional Chief Secretary Cum Mines Commissioner, Mines And Geology Department, Govt. Of Bihar Patna, Bihar

... .. Opposite Partys

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. Rajesh Ranjan, learned counsel appearing on behalf of the petitioners and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chakia P.S. Case No. 162 of 2023, registered for the offences punishable under Sections 279, 353, 307, 379, 411, 414 and 34 of the Indian Penal Code and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957.



3. It is alleged that in course of vehicle checking, the mining team tried to intercept one Hyva vehicle bearing registration no. BR06GF-2755 which was containing sand. However, despite being given instruction to stop, the driver of the vehicle tried to flee away, due to which the informant's vehicle also got damaged. However, vehicle was chased by the police and seized thereafter. On search, total 716 cubic feet sand was found, which is found more than double to its capacity and in this way the petitioners have caused loss of Rs. 1,76,075/- to the Government's Exchequer.

4. It is submitted on behalf of the petitioners that the sand was carrying on a valid challan, issued by the Bihar State Mining Corporation, the copy of which is marked as Annexure P-2. He further submits that in fact on the alleged date of occurrence only because of the fact that the vehicle, in question, hit the informant's vehicle and thereafter some altercation took place, which resulted into lodging of the present F.I.R. showing the overloading of sands, when the fact is otherwise. He further submits that the F.I.R. has been instituted without verification of the challan and as such on this score also the very institution of the F.I.R. is malafide. He next submits that there are other serious infirmities in the search and seizure. That apart, the



witnesses are none else, but the members of mining department. Moreover, the petitioners are the men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioners have caused loss of Rs. 1,76,075/- to the Government Exchequer and not even disclosed whether the fine has been deposited or not.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that vehicle was carrying sand on the basis of challan, which has been brought on record by way of Annexure P-2, coupled with their fair antecedent and the undertaking, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, East Champaran, Motihari in connection with Chakia P.S. Case No. 162 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C.



with the further condition that one of the bailors shall be the
own/close family members of the petitioners.

(Harish Kumar, J)

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