

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62327 of 2022

Arising Out of PS. Case No.-411 Year-2022 Thana- BARUN District- Aurangabad

MONU KUMAR @ ANKUSH KUMAR Son of Suyash Kumar Singh
Resident of village - Lakhaipur, P.S.- Narali Kala Khurd, District -
Aurangabad (Bihar). Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-05-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Barun P.S. Case No. 411 of 2022 for the offence under Sections 379 and 411 of the I.P.C., Rule 4 (A) 21 of the Mines and Minerals (Development and Regulation) Act, Section 15 of the Environment Protection Act and Rule 11, 18, 43 and 56 of the Bihar Minerals (Concession, Prevention of illegal Mining Transportation and Storage Rules) lodged on 10.09.2022 by the informant Ajad Alam.

The prosecution story, in brief, is that on 10.09.2022, a raid was conducted by the informant alongwith other police personnels against illegal mining, storage and transportation of sand at different places in within the jurisdiction of Barun police. It was alleged that 8000 CFT sand was illegal stored by the petitioner Monu Kumar at Patna Canal causing huge loss to the State.



Learned counsel for the petitioner submits that entirely wrong allegation has been made against the accused person. However, he submits that without accepting the allegation, the petitioner is ready to pay the mining cost that may be imposed upon him by the appropriate authority.

Learned APP opposes the prayer.

Taking into account the allegation as also the fact that for the present, the petitioner is ready to pay mining cost imposed upon him by the authorities, F.I.R. having been lodged, he will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions:

The petitioner shall be furnishing the certificate showing payment of mining cost before the Court.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad , in connection with Barun P.S. Case No. 411 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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