

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66479 of 2022**

Arising Out of PS. Case No.-39 Year-2021 Thana- SHAMBHUGANJ District- Banka

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1. SANJAY SHARMA Son of Saryug Sharma @ Saryu Sharma R/v- Ranadih, P.S.- Sangrampur, Dist- Munger
 2. SARVAN SHARMA @ SHRAVAN SHARMA @ SHRAWAN KUMAR Son of Umesh Sharma R/v- Ranadih, P.S.- Sangrampur, Dist- Munger

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Mining Inspector cum Competent Officer, Banka, Dist. - Banka Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.
For the State : Mr. Shyameshwar Dayal, Adv.

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 25-04-2023

1. Heard both the parties.

2. The petitioners seek bail in anticipation of their arrest in connection with Shambhuganj P.S. Case No. 39 of 2021 (G.R. No. 445 of 2021), dated 15.02.2021, instituted for the offences under Sections 379 of the I.P.C., under Section 40 of the M.M.R.D. Act and also under Sections 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage Rules, 2019 and under Section 15 of the Environment Protection Act.

3. Learned counsel for the petitioners invited attention to the bail order passed by the Coordinate Bench with regard to



Pradeep Kumar Roy @ Churo Roy @ Churo Sharma and Praveen Kumar Roy @ Lalu Roy @ Lale Roy, who are similarly placed as the petitioners in the F.I.R. Omnibus allegations have been levelled against all the 18 persons, who have been alleged to be involved in the illegal mining without there being any specific allegation.

4. I have considered the submission, taking into consideration, I am inclined to grant anticipatory bail to the above named petitioners and in the event of arrest, they shall be released on bail subject to the conditions as laid down under Section 438(2) of the Cr.P.C., which are as under:-

I. The petitioners shall cooperate with the investigation and make themselves available for interrogation whenever required.

II. The petitioners shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer,

III. The petitioners shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the police;

IV. The petitioners shall maintain law and order;



V. The petitioners shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

VI. The petitioners shall surrender their passport, if any, before the investigating officer within a week and, if they does not possess any passport, they shall file an affidavit to that effect before the investigating officer;

VII. The petitioners shall regularly remain present during the trial and cooperate with the Hon'ble court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 74

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