

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65071 of 2022

Arising Out of PS. Case No.-120 Year-2020 Thana- RUDRAPUR District- Madhubani

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Ajay Kumar Safi Son Of Late Lalu Safi R/O Vill.- Mahrail, P.S.- Rudrapur,
Distt.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Department Of Mines, Govt. Of Bihar, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Shyameshwar Dayal, APP
For Mines Dept. :	Mr. Naresh Dixit, Advocate
	Mr. Brij Bihari Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Mining Department as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 379/34 of the Indian Penal Code and Section 4(1) (A) of the Mines and Minerals Development and Regulation Act, 1957 and Section 56 of Bihar Mines Mineral Concession Prevention of illegal Mining Transportation and Storage Rules, 2019.



According to prosecution case, petitioner is involved in illegal mining of sand from Kamla ghat. It is further alleged that several and loaded trucks, Hyva, Dumper and tractors with trailers were found on spot. It is further stated that the petitioner is said to be the owner of the alleged vehicle.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the case lodged by the Department. He further submits that it appears from the F.I.R. that the name of the petitioner has been transpired in this case on the basis that the petitioner is the owner of the tractor in question. He further submits that the petitioner has no concern at all with the alleged occurrence. He further submits that the petitioner has given the tractor on rent to some of the co-accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.07.2022. He further submits that similarly situated, co-accused persons, namely :-

1) Riku and Vishal Singh have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 70154 of 2021.

2) Basudeo Yadav, Sitaram Yadav, Chhatru Yadav,



Vijay Yadav, and Raju Yadav have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 72057 of 2021.

3) Mithilesh Kumar Yadav, Sita Ram Yadav, Sujal Soren, Basudeo Thakur, Madan Sahni and Kailash Mukhiya have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 72420 of 2021.

4) Gautam Ojha has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 4432 of 2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rudrapur P.S. Case No. 120 of 2020, G.R. No. 1952 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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