

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73095 of 2022

Arising Out of PS. Case No.-154 Year-2020 Thana- SAHPUR District- Patna

SUJAY RAY @ RAMSUYASH RAY S/o Binda Ray R/v- Hetanpur, P.S.-
Shahpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines Commissioner- Cum- Principal Secretary Department of Mines and Geology, Vikash Bhawan, Patna Vikash Bhawa (New Secretariate) Bailey Road, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar
	:	Mr. Devendra Narayan Singh
	:	Mr. Ashutosh Kumar Singh
For the Opposite Party/s	:	Mr. Mohammad Sufyan
For the Respondent	:	Mr. Naresh Dikshit
	:	Mr. Utsav Anand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 19-06-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State along with the learned counsel for the

Department of Mines.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 188, 379, 411, 34 of the Indian Penal Code and Rules 11, 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent. It is next submitted



that the informant alleges that two tractors were apprehended loaded with sand and the driver of the tractor bearing Registration No. BR-01BH-5281 disclosed his name as Harvansh Rai and the driver of the other tractor disclosed his name as Manish Kumar, it is next alleged that the driver disclosed that the sand is illegally stored by Sujay Rai, further no valid challan was produced and at the place of occurrence about 2000 cubic feet of sand was found stored.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case, it is next submitted that the petitioner was not apprehended from the spot and, as such, was not aware that his driver would misuse the vehicle in the manner as alleged, it is next submitted that offence under the Mining Act is compoundable and the petitioner has already deposited the fine amount of Rs. 14,215/- on 03.05.2023 as would be evident from Annexure 2 to the supplementary affidavit.

Learned counsel appearing for the Department of Mines does not dispute the submission of the learned counsel for the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shahpur P.S. Case No. 154 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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