

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8154 of 2024

Arising Out of PS. Case No.-56 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

1. VIJAY SINGH S/O LATE SHIV BACHAN SINGH R/O VILLAGE-MEDANIPUR TOLA, BHAGWAN BIGHA, P.S- SASARAM (M), DISTT.-ROHTAS.
2. MAHENDRA SINGH S/O LATE SHIV BACHAN SINGH R/O VILLAGE-MEDANIPUR TOLA, BHAGWAN BIGHA, P.S- SASARAM (M), DISTT.-ROHTAS.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE ASSISTANT DIRECTOR, MINES AND MINERALS, ROHTAS AT SASARAM BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Singh, Advocate
For the Opposite Party/s	:	Mr.Ashok Kumar Singh, APP
For the Mining	:	Mr. Naresh Dikshit, Advocate
		Mrs. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioners and learned
Spl. PP for the Mines as also learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sasaram (M) P.S. Case No. 56 of 2021 registered under Sections 379 and 411 of the Indian Penal Code and Section 56 of the Bihar Minerals (Concession and Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 lodged on 05.02.2021 by the informant, Vikash Kumar Paswan.

3. As per the prosecution story, the informant alleged



that upon information that there is storage of illegal sand, the place was raided and 1950 CFT sand recovered/seized which amounted to Rs. 54,854. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that only because of criminal antecedent of same nature, he has been dragged in the case. Further, Similar situated co-accused, Ajay Singh has been granted bail by this court vide order dated 17.01.2023 passed in Cr. Misc. No. 53047 of 2022 as also other accused persons by the different co-ordinate Bench which are part of the Annexure-2 Series.

5. Further submission is that irrespective of the outcome of the present case, the petitioners are ready to deposit Rs. 55,000/- before the District Mining Officer, Sasaram.

6. Learned Spl. P.P. for the Mines, on the other hand, opposes the prayer for anticipatory bail stating that he has criminal antecedent of same nature.

7. Considering the submissions put forward by the parties as also that similar situate other co-accused persns have been extended the privilege of anticipatory bail, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of Rs. 55,000/- as stated above.

8. Let the petitioner, in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 56 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

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

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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