

Arising Out of PS. Case No.-101 Year-2023 Thana- HULASGANJ District- Jehanabad

- Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s : Mr. Shivendra Prasad
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-08-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 353, 379 and 411 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant with an allegation that his tractor was found involved in illegal mining of sand and when the tractor was apprehended, the accused persons including the petitioners got the tractor released



forcibly.

4. Learned APP submits that from perusal of allegation as alleged in the FIR, it would manifest that government has lost revenue of an amount of Rs. 1,95,400/- on account of illegal mining of sand, on which the learned counsel appearing on behalf of the petitioners submits that though the petitioners have not committed any offence and are persons with clean antecedent but then petitioners are willing to deposit the said amount with the Department of Mining under protest.

5. Learned APP submits that if the petitioners are ready to deposit the said amount then the case is compoundable and can be compounded, on which the learned counsel appearing on behalf of the petitioners submits that if the informant is willing to compound the case after receiving the said amount in that event the amount shall not be paid under protest rather shall be paid with a view to compound the offence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 5,000/- (Rupees



Five Thousand) each 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 Hulasganj P.S. Case No. 101 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify as to whether the petitioners have deposited the amount of Rs. 1,95,400/- or not with the Department of Mines, in the event if the said amount is not deposited on or before the date of surrender, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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