

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20622 of 2024

Arising Out of PS. Case No.-414 Year-2021 Thana- RAJAON District- Banka

Sinku Tanti @ Aintha Tanti Son of Mitto Tanti Resident of Village-
Singhanan, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Mines and Minerals Deptt., Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad, Advocate.
For the Opposite Party/s : Mr.Dinesh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-04-2024 Heard Mr. Brij Nandan Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Dinesh Singh,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rajoun P.S. Case No. 414 of 2021 registered for the
offence punishable under Sections 379 and 411 of the Indian
Penal Code and, MMRD Act and Sections 4(1), 21 of the Bihar
Minerals (Concession, Prevention of Illegal Mining,
Transportation and Storage) Rules, 2019 & 56(2).

3. As per the allegation made in the F.I.R., the
petitioner is said to have indulged in illegal mining of sand and
storing the same causing revenue loss of Rs. 4,12,448/-.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is neither the owner nor the driver of the vehicle nor he was involved in illegal mining of sand. His name has surfaced in the case on the disclosure made by the co-villager. However, statement has been made on behalf of the petitioner that in case the petitioner is involved in any manner in the illegal mining, he is ready to abide by the provision of Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (hereinafter referred to as the “Rules, 2019”).

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation against the petitioner, it appears that he is one who in a clandestine manner has been alleged to have engaged in illegal mining and was present at the time when the tractor bearing Registration No. BR51G5204, Engine No. 391355/SAF05354, Chassis No. MBNAN48ADKTF07953 and unnumbered tractor bearing Engine No. E3305188, Chassis No. T0532746001 were seized by the officials of the Mines Department since possibility of tampering with the registration number, Engine number and Chassis number of the tractor cannot be ruled out for engaging it in smuggling of the sand in an illegal manner. In absence of the



registration number, the District Mines Officer, is directed to call for a report from the District Transport Officer, with respect to the tractor bearing Engine No. E3305188, Chassis No. T0532746001 and also tractor bearing Registration No. BR51G5204, Engine No. 391355/SAF05354, Chassis No. MBNAN48ADKTF07953 to ascertain that as to whether the petitioner has engaged stolen tractors in illegal mining. A report in this regard is directed to be submitted by the District Mines Officer before the District Court.

7. The District Court on the basis of the material collected in course of the investigation and the report of the District Transport Officer and the District Mines Officer may pass appropriate order in accordance with law.

8. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

