

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38207 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- MAHESHKHUNT District- Khagaria

1. Mangal @ Mangluddin S/O Md. Salimuddin R/O Village- Pakrail, P.S- Maheshkhunt, Distt.- Khagaria.
2. Dangla @ Daggluddin @ Daggaluddin Yadav @ Md. Danglu-Uddin S/O Md. Salimuddin R/O Village- Pakrail, P.S- Maheshkhunt, Distt.- Khagaria.
3. Md. Babar Alam S/O Md. Mansumuddin R/O Village- Leva, P.S- Maheshkhunt, Distt.- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vikash Kumar S/O Chandra Babu Singh R/O Bara Telwa Chhapra, Saran, P.S- Town, Distt.- Chhapra (saran), At Present Posted As Mining Inspector, Distt. Mining Office, Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Maheshkhunt P.S. Case No. 124 of 2023 registered for the alleged offences under Sections 379, 323, 504, 506 and 353/34 of the Indian Penal Code, Section 25(1) of the Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage Rule 2021, Section 4 of the MMDR Act, 1957 and Section 15 of the Environmental Act, 1986.



3. As per prosecution case, a raid was conducted by the mining officials on getting information about illegal cutting of soil. During raid, eight tractors and one J.C.B. were seized and when these vehicles were being brought to the police station, drivers of two tractors entered into scuffle with the Home Guards and threatening them with life, fled away with the tractors. Then other tractors and one J.C.B. were handed over to the police personnel. Petitioners are stated to be the owners of the tractors which were taken out of the custody of the officials. Revenue loss to Government of Rs. 50,000/- was assessed.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners are the owners of the seized tractors and they have not been apprehended from the spot and nothing incriminating has been recovered from their conscious possession. The petitioners have given tractors to the drivers who operate the tractors under contract and make payment on daily basis. However, the petitioners deposited the fine of Rs. 50,000/- and submitted the E-Challan of receipt along with supplementary affidavit. Petitioners are having clean antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioners.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation against the petitioners coupled with their clean antecedent, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Khagaria/ court concerned in connection with Maheshkhunt P.S. Case No. 124 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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