

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35337 of 2024

Arising Out of PS. Case No.-173 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. Ramjee Singh Son Of Late Fagu Singh Resident Of Village- Kusumha , P.S.-
Udwanthnagar , Dist- Bhojpur (ARA)
2. Shreenath Singh Son Of Ramjee Singh Resident Of Village- Kusumha , P.S.-
Udwanthnagar , Dist- Bhojpur (ARA)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Ram Singh Son Of Laxhman Singh Resident Of Village- Kusumha ,p.o.-
Sakhua, P.S.- Udwanthnagar , Dist- Bhojpur (ara)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate
For the State : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 20-08-2024 Heard the parties.

2. The present application has been filed for quashing the order taking cognizance dated 24.06.2023/05.08.2023 passed by Chief Judicial Magistrate, Bhojpur at Ara in Udwanthnagar P.S. Case No.173/2021 dated 15.04.2021, by which cognizance has been taken under sections 379 and 411 of the Indian Penal Code and sections 56(i)/56(ii) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021 and under Sections 3/4 of the Prevention and Damage to Public Property Act, 1984.

3. The argument of the petitioners is that no offence



under Sections 56(i)/56(ii) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021 and under Sections 3/4 of the Prevention and Damage to Public Property Act, 1984 is made out and therefore, the order taking cognizance may be quashed.

4. I am not inclined to interfere at this stage. This application is disposed of with liberty to the petitioners to raise all the grounds at the stage of framing of charge including the ground that the offences under Sections 56(i)/56(ii) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021 and under Sections 3/4 of the Prevention and Damage to Public Property Act, 1984 are not made out against the petitioners and the petitioners cannot be tried under the aforesaid charges.

5. In view of the above, this application is disposed of.

(Sandeep Kumar, J)

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