

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36169 of 2024

Arising Out of PS. Case No.-492 Year-2023 Thana- KOILWAR District- Bhojpur

Chunnu Rai @Chunnu Kumar Son of Shivji Rai Village- Suarmarwa, Ps-
Maner, Dist- Patna

... .. Petitioner/S

Versus

1. The State of Bihar
2. Dept. of Mines and Minerals, Govt of Bihar, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rupesh Kumar, Adv.
For the State	:	Mr.Shahabuddin Azeem @ S. Azeem, A.P.P.
For the Informant	:	Mr. Naresh Dikshit, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending arrest in connection with Koilwar P.S. Case No. 492 of 2023, registered on 17.08.2023 for the offences under Sections 379 and 411/34 of the Indian Penal Code and Rule 11, 56(i) and 56(ii) of the Bihar Minerals (C.P.I.M.T.S.) Amendment Rule, 2021 and Sections 4 and 21 of the Mines & Minerals (Development & Regulation) Act, 1957.

3. As per prosecution case, in a drive against illegal mining of sand, nine Poclain (Excavator) machines were seized and the name of the petitioner transpired along with 28 other named co-accused persons and 10-15 unknown co-accused



persons, who were found involved in illegal mining of sand and thus, 5,72000 CFT of the sand was illegally mined.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not committed any offence. The name of the petitioner came in this case merely on the basis of statement of local Chaukidar without any corroborative material. The petitioner is neither the driver nor the owner of the Poclain machines seized by the authorities. The petitioner is having clean antecedent.

5. Learned counsel appearing on behalf of the Mining Department opposes the submission made on behalf of the petitioner. Learned counsel submits that huge loss to the Government exchequer was caused due to illegal mining of 5,72,000 CFT of sand.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner and possibility of false accusation, let the petitioner above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand



Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court in connection with Koilwar P.S. Case No. 492 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner 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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