

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40381 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- NARALI KALA KHURD District-
Aurangabad

-
1. Aakash Kumar S/O Krishna Singh R/O Village Benibigha PS Nararikala Khurd District Aurangabad(Bihar)
 2. Saroj Kumar Singh S/O Shiv Dhyan Singh R/O Village- Amba, P.S. Barun, District- Aurangabad(Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar Mines Department, Govt. of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 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 Narari Kala Khurd P.S. Case No. 13 of 2024, registered on 27.02.2024 for the offences under Sections 379/411 of the Indian Penal Code, Sections 4(i)(A), 21 of Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage), 1957, Section 15 of Environment Protection Act, 1986 and Sections 11, 56 and 18 of Bihar Mining Rules, 2019.



3. As per prosecution case, the informant seized a Hyva truck loaded with 90 cubic feet of sand. It has also observed that 2566 cubic feet of sand was illegally excavated. The petitioners are stated to be owner and driver of the vehicle, respectively who produced challan for transportation of the sand but the nature of sand for which challan was issued and the sand which was seized were found to be different.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The vehicle was carrying sand under a valid challan. The petitioners have been made accused on the ground that the challan are forged and sand recovered from the vehicle are different. Further more, the allegation of illegal excavated 2566 cubic feet of sand against the petitioners is not believable as no excavation machinery has been found on the spot and only 90 cubic feet of sand was found loaded on the vehicle of the petitioners for which they are holding duly issued challan. Learned counsel further submits that in order to save the real culprit, the mining authorities have filed a false case against the petitioners alleging illegal excavation of sand. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on



behalf of the petitioners. Learned APP submits that the challan was not produced with regard to sand which was recovered from the vehicle of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners have been issued challan for carrying the sand and only the nature and quality of sand is stated to be different and further considering the clean antecedent of the petitioners and also considering the possibility of false implication, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Aurangabad/concerned court in connection with Narari Kala Khurd P.S. Case No. 13 of 2024, 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 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)

DKS/-

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

