

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40197 of 2024**

Arising Out of PS. Case No.-388 Year-2021 Thana- CHANDAUTI District- Gaya

- 
1. Rohit Kumar Son of Dasrath Yadav Resident of Village- Kandi Nawada, P.S- Chandaوتي ,Dist -Gaya
  2. Rahul Kumar @ Topit @ Tohit Yadav Son of Dasrath Yadav Resident of Village- Kandi Nawada, P.S- Chandaوتي ,Dist -Gaya

... .. Petitioners

Versus

1. The State of Bihar
2. Satyendra Prasad Son of Rampati Singh The Mines Inspector, District Mines Office Gaya

... .. Opposite Parties

---

**Appearance :**

For the Petitioners : Mr.Vijay Kumar, Advocate

For the Opposite Parties : Mr.Jagdhar Prasad, A.P.P.

---

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      18-10-2024                      Heard learned counsel for the petitioners and learned counsel for the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 379, 411, 353/34 of the Indian Penal Code, 21 of MM (D & R) Act and Rule 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rule, 2021.

3. As per the prosecution case, four trucks loaded with illegal sand were seized and the driver disclosed names of sand Mafiyas including these petitioners.

4. Learned counsel for these petitioners submitted that nothing has been recovered from conscious possession of these



petitioners. Petitioners is neither driver nor owner of vehicles in question and he has got no concern with the seized sand. Only on suspicion petitioner has been made accused in this case.

5. Learned counsel for the State opposes the prayer for pre-arrest of the petitioners. He submits that petitioners are having criminal antecedent.

6. Considering the facts aforesaid, these petitioners above named, in the event of arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the learned Additional Chief Judicial Magistrate-III, Gaya in connection with Chandauti P.S. Case No. 388 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as following condition:-

7. Both petitioners shall deposit Rs.25,000/- (twenty five thousand) each in the concerned office of the Mines Department and shall submit the receipt to the effect while furnishing the bail bonds.

8. This deposit would be without prejudice and shall



be subject to the result of the case.

**(Prabhat Kumar Singh, J)**

Shashi

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

