

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40879 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- OBRA District- Aurangabad

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1. Rahul Kumar Yadav @ Rahul Kumar S/o Surendra Kumar Singh R/o Village-Agura, P.S.- Obra, District-Aurangabad
 2. Sinku Kumar Yadav @ Ajit Kumar S/o Radhe Shyam Singh R/o Village-Tendua harkesh, P.S.- Obra, District-Aurangabad
 3. Guddu Yadav @ Nitish Kumar S/o Satish singh R/o Village-khnta dibra, P.S.- Obra, District-Aurangabad
 4. Ranjeet kumar Yadav @ Bipu Kumar @ Dipu Kumar S/o Awdesb Singh R/o Village-Jamuni, P.S.- Obra, District-Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines and Minerals Department Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Pandey, Advocate
For the State	:	Mr. Anil Prasad Singh, APP
For the Mines	:	Mr. Naresh Dikshit, Advocate
	:	Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Santosh Kumar Pandey, learned counsel for the petitioners, Mr. Naresh Dikshit, learned counsel for the Mines Department and Mr. Anil Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Obra P.S. Case No. 66 of 2024, F.I.R. dated 23.02.2024 for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Rules 11, 56 and 18 of the Bihar Mining (Concession, Prevention of Illegal Mining,



Transportation and Storage) Rules.

3. According to prosecution case, on a raid, the police officials have found 110 CFT illegal sand loaded on tractor. On seeing the police personnel the driver of the said tractor fled away leaving the tractor on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that as per the allegation in the FIR 110 CFT of illegal sand was found loaded over the tractor in question. He further submits that the owner of the tractor in question has already deposited the compounding fee of Rs. 36750/- for 110 CFT illegal sand alleged to be loaded over the tractor in question. He further submits that petitioners have been made accused in the present case merely on the basis of the inputs received by the police but they have not disclosed that from where they have received the inputs.

5. Learned counsel for the Mines Department as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR apart from that petitioner nos.1 & 4 carry one criminal antecedent other than the present one, petitioner no.3 carries



two criminal antecedents other than the present one and petitioner no.2 carries no criminal antecedent other than the present one but fairly submits on the basis of the para-3 of the bail petition that the petitioners are on bail in all the pending matters.

6. Considering the nature of the allegation in the FIR and the fact that the owner of the tractor has already deposited the compounding fee of Rs. 36750/- to the Mines Department, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, Aurangabad in connection with Obra P.S. Case No. 66 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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