

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42293 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- WAJIRGANJ District- Gaya

RAKESH KUMAR @ BHOLA KUMAR, aged about 29 years, Male, SON
OF LATE DEONANDAN PRASAD @ DEONANDAN YADAV,
RESIDENT OF VILLAGE - KAIYA TOLA MANIYARA, POLICE
STATION - MUFFASIL, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Ajay Kumar Sinha, learned counsel

appearing on behalf of the petitioner and Mr. Binod Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Wazirganj P.S. Case No. 54 of 2024 registered for the
offence(s) punishable under Sections 341, 342, 307, 353, 379,
411, 506/34 of the Indian Penal Code, Section 21/56 of M.M.(D
& R.) Act, 1957.

3. As per the allegation made in the FIR, two tractors
were seized loaded with sand.

4. Learned counsel appearing on behalf of the
petitioner submitted that offence is compoundable under Section
56(2) of the Bihar Minerals (Concession, Prevention of Illegal



Mining Transportation and Storage) Amendment Rules and seeks to deposit the amount of compensation in accordance with the provision of the said Section.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of parties, as well as, the provision of Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules, the petitioner is directed to submit the compounding fee, as well as, the amount of penalty, if any, before the District Mining Officer. The District Mining Officer, after being satisfied, is directed to issue certificate to the extent that the offence has been compounded after the petitioner has deposited the required amount of penalty. The above exercise is required to be carried out within a period of four weeks from the date of passing of the this order. The District Mining Officer or competent authority-cum-District Magistrate must not delay to act upon before the expiry of four weeks.

7. In case, the petitioner is able to file the certificate, duly granted by the competent authority, the petitioner, above named, is directed to be released on pre-arrest



bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Gaya in connection with Wazirganj P.S. Case No. 54 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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

