

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45118 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- BARUN District- Aurangabad

Sunil Kumar Son of Ramawtar Singh R/O Vill.- Chhakan Bigha, P.S.- Barun,
Dist.- Aurangabad

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The ACS, Mines and Minerals Departmental Government of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For the Mines Dept.	:	Mr. Namesh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-08-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379 and 34 of the Indian Penal Code, Section 21 of the Mines and Minerals (Development and Regulation) Act and Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules.

3. As per prosecution case, this petitioner is owner-cum-driver of the alleged seized tractor which was found loaded with 100 C.F.T. illegal sand and during inspection it was found that petitioner is involved in illegal mining and transportation of sand.



4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner has falsely been implicated in this case. As a matter of fact, present case is offshoot of an earlier F.I.R. bearing Barun P.S. Case No. 161 of 2024, in which allegation is that the tractor of this petitioner was found involved in transportation 100 C.F.T. illegal sand and in that case the petitioner has already deposited Rs. 36,000/- through e-challan on 11.06.2024. However, at this stage, without admitting his guilt, petitioner is ready to deposit 25 per cent of the alleged amount of revenue loss of Rs. 3,54,115/- (Rupees three lacs fifty-four thousand one hundred fifteen only), at the time of furnishing bail bond.

5. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail to the petitioner is allowed.

6. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, in connection with Barun P.S. Case No. 162 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:



- A. At the time of furnishing bail-bond **Rs. 88,529/-** (Rupees eighty eight thousand five hundred and twenty nine) shall be deposited through cash in the *Nazarat* of the Civil Court, Aurangabad.
- B. The aforesaid payment shall be subject to the final outcome of the case.
- C. If petitioner fails to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioner.

7. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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