

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46457 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- SAHAR District- Bhojpur

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Anand Kumar S/o Ram Ashish Singh @ Rama Ashish Singh R/o vill -
Agiaon, P.S. - Agiaon, Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhojpur Bihar
3. The District Mines Officer, Bhojpur(Deptt. of Mines and Minerals) Bihar
4. The District Transport Officer, Bhojpur Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar
For the Opposite Party/s :	Mr. Akshay Lal Pandit
For the Mines Department:	Mr. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 09-12-2024 Heard learned counsels for the parties.

2. The petitioners apprehends his arrest in a case registered for the offence punishable under Section 379, 411, 34 of the Indian Penal Code.

3. The prosecution case is that, while the informant was on patrolling duty with other officials, he received an information that a sand loaded tractor was going towards Ekwari from Perhap Mopti Road. On the basis of the said information, when he reached the spot, he saw a sand loaded tractor and when the driver was asked to stop, the driver left the tractor and flee away. The tractor was seized along with 100



CFT of sand.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The petitioner is ready to return the loss amount caused to the public exchequer. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the Mines Department opposed the prayer for anticipatory bail. A counter affidavit has been filed on behalf of the Mines Department in which it has been stated that 100CFT sand was found on the tractor of the petitioner during the raid and the total amount of fine including the compounding fee against the said quantity of sand comes to the tune of Rs.35,625/-

6. Having regard to the facts and circumstances of the case as the petitioner is ready to return Rs.35,625/- to the concerned department within four months, let the above named petitioner, be released on *provisional* bail for a period of four months, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/Successor Court in connection with Sahar P.S. Case No.77 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The *provisional* bail of the petitioner shall be confirmed by the learned Court below itself after satisfying that the petitioner has paid Rs.35,625 to the Mines Department.

8. However, if the petitioner fails to deposit the said amount within four months, then the Mines Department is at liberty to file an application for the cancellation of bail of the petitioner.

9. Accordingly, this application is disposed of.

(Anjani Kumar Sharan, J)

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