

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48581 of 2024

Arising Out of PS. Case No.-569 Year-2023 Thana- KOILWAR District- Bhojpur

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1. AWDHESH RAM @ RAVI KUMAR SON OF RAMJIT RAM VILLAGE-MAHADEV CHAK, P.S.- KOILWAR, DISTT.- BHOJPUR
 2. RAHUL PASWAN SON OF RAMBABU PASWAN VILLAGE-MAHADEV CHAK, P.S.- KOILWAR, DISTT.- BHOJPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE MINING DEPARTMENT, GOVT. OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Md Ataul Haque, Advocate
For the State	:	Mr. Uday Chand Prasad, APP
For the Mines	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-09-2024 Heard learned counsels for the parties.

2. The petitioners apprehend arrest in a case registered for the offence punishable under Sections 379, 411 and 34 of the Indian Penal Code, Section 56(I)(II) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2021 and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act.

3. As per prosecution case, all the F.I.R. named accused persons, including these petitioners, were found involved in illegal mining of sand, thereby, causing revenue loss of Rs. 64,06,250/-.



4. At the outset, learned counsel appearing on behalf of the petitioners submits that submits that the offences for which the instant FIR has been instituted, carries punishment of seven years. It is further submitted that investigation in the case against these petitioners is still continuing, however, the petitioners have not been given the benefit of Section 41(A) of the Cr.P.C.. Therefore, it is submitted that the instant case be disposed of in terms of the order dated 13.02.2024 passed in ***Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar)***.

5. Learned APP appearing on behalf of the State and learned counsel appearing on behalf of Department of Mines do not raise any objections.

6. In view of the aforesaid submissions, this anticipatory bail application is disposed of in terms of the order dated 13.02.2024 passed in ***Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar)***.

7. Accordingly, the petitioners are at liberty to file a representation before the concerned Superintendent of Police and the Investigating Officer of the case, within a period of three weeks from today, with a web copy of the order dated 13.02.2024 passed in ***Criminal Miscellaneous No. 3536 of***



2024 (Naushad Ansari vs. the State of Bihar); and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the directions contained in the order dated 13.02.2024 passed in *Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. the State of Bihar)*.

(Prabhat Kumar Singh, J)

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