

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45761 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- KOILWAR District- Bhojpur

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DHARMBIR RAY SON OF RAMJIT RAY RESIDENT OF VILLAGE -
SEMRA, P.S. - BARHARA, DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE MINES AND MINERAL DEPARTMENT BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar , Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit , APP
For OP 2	:	MR. Naresh Dikishit , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379, 411 and 34 of the Indian Penal Code and under sections 56 (1) (2) of the BP (CIMTS).

3 . As per prosecution case, petitioner along with other alleged to indulged in illegal mining and transportation of sand and thereby caused revenue loss of Rs. 13,91,438 .

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has been falsely implicated in this case . The petitioner is owner of seized Sonalika tractor bearing Chasis No. KZQSG78746953 . The petitioner was not present at the time of alleged occurrence and



has got no concern with the illegal sand mining. The tractor of petitioner has no trailer which itself proves that his tractor was not involved in the illegal mining of sand. However, at this stage, petitioner is ready to deposit Rs. 25,000 (Rupees Twenty Five Thousand) to Mining Department.

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., Bhojpur at Ara/concern court in connection with Koilwar P.S. Case No. 181 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. 25,000/- (Rupees Twenty Five Thousand) shall be paid to the District Mining Officer, Bhojpur, Ara through demand draft.

B. 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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