

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49147 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- KOILWAR District- Bhojpur

1. Indra Mohan Singh Son Of Anand Mohan Singh Resident Of Q No. B/26, Bhimkanali Po- Khanoodih, Ps- Baghmara, Dist- Dhanbad, Jharkhand P/A- Village- Rajapur, Po- Rajapur English, Ps- Koilwar, Dist- Bhojpur
2. Sunil Kumar Son Of Ramjivan Rai Village- Pachrukhiya, Ps- Koilwar, Dist- Bhojpur
3. Rajesh Kumar Son Of Satyanarayan Rai Village- Pachrukhiya, Ps- Koilwar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the State : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-08-2024 Heard Mr. Ravi Ranjan, learned counsel for the

petitioners and Mr. Awadhesh Kumar Singh, learned APP

for the State.

2. The petitioners are apprehending their arrest in connection with Koilwar P.S. Case No. 180 of 2024 for the offence under Sections 379, 411 and 34 of the I.P.C. and Section 56(1) and 56(2) of Bihar Minerals (Consession, Prevention of Illegal Mining, Transportation and Storage) rules, 2021, lodged on 07.04.2024 by the informant, Prakash Kumar.



3. As per the prosecution story, the informant alleged that upon secret information about the illegal mining and transportation, the police raided and found six tractors involved in it. This according to the police, resulted in to loss of Rs.12,12,500 to the State Ex-chequer. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that save and except the allegation, there is no such recovery/seizure of sand from the said tractor, it was part in the house, petitioner no.1 and 2 are the owners and petitioner no.3 is the driver and only because the number of tractor has been incorporated in the F.I.R, they were forced to move for grant of anticipatory bail. The last submission is that they do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the number of their vehicles are incorporated in the F.I.R.

6. Taking into account the fact that a bare perusal of the F.I.R would show that on the basis of the information of the locals, the same has been lodged, learned counsel for the petitioners have submitted that it is not the case that the police seized the tractor with sand present in it, they do not



have criminal antecedent and the number of tractors are present there, their duty is to present it as and when the court summons, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, in connection with Koilwar P.S. Case No. 180 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the



concerned police station every fortnight for next six months
to mark his attendance;

(iv) the petitioners shall in no way try to induce or
promise or threat the witnesses or tamper with the
evidences, failing which the State shall be at liberty to take
steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing
any criminal offence again, failing which the State shall be
at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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