

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46671 of 2024

Arising Out of PS. Case No.-466 Year-2023 Thana- KONCH District- Gaya

Alok Yadav @ Alok Kumar Son of Sheopujan Yadav Resident of Vill-
Tetarpur, P.S.- Tekari (Panchanpur), District- Gaya

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Mines and Mineral Department, Bihar, Patna Bihar, Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46699 of 2024

Arising Out of PS. Case No.-466 Year-2023 Thana- KONCH District- Gaya

Kapil Kumar S/o Vishwanath Yadav R/o vill - Laliya Bigha, P.S. - Konch,
Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 51515 of 2024

Arising Out of PS. Case No.-466 Year-2023 Thana- KONCH District- Gaya

- 1. MANISH KUMAR @ RAJIV KUMAR RANJAN @ MANISH YADAV
SON OF RAJENDRA DYADAV RESIDENT OF VILLAGE- TETARPUR,
P.S.- TEKARI, DISTT.- GAYA
- 2. SHASHI YADAV @ ABHINASH KUMAR @ SHASHI KUMAR SON OF
RAJENDRA YADAV RESIDENT OF VILLAGE- TETARPUR, P.S.-
TEKARI, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56998 of 2024

Arising Out of PS. Case No.-466 Year-2023 Thana- KONCH District- Gaya



1. RAJ KISHORE KUMAR @ KISHORE KUMAR @ MANJIT KUMAR @
RAJ KISHORE DSON OF RAMPRIT YADAV RESIDENT OF VILLAGE-
MARDUA, P.S.- TEKARI, DISTT.- GAYA
2. PAPPU KUMAR @ SHYAM KISHORE KUMAR SON OF RAMPRIT
YADAV RESIDENT OF VILLAGE- MARDUA, P.S.- TEKARI, DISTT.-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46671 of 2024)

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 46699 of 2024)

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

(In CRIMINAL MISCELLANEOUS No. 51515 of 2024)

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 56998 of 2024)

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-08-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Konch P.S. Case No. 466 of 2023 for the offence under Sections 147, 149, 341, 323, 332, 333, 379, 411, 504 and 353 of the IPC. and Sections 4(1A) and 21 of the Mines and Mineral (Development and Regulation) Act, Sections 11 and 18 of the Concession, Prevention of Illegal Mining. Transportation & Storage Rule, 2019, Section 56(4) of the Bihar Mineral Transportation and Storage Rule, 2021 and Section 15 of the FEP Act, 1986 lodged on 09.10.2023 by the informant,



Ramji Murmu.

3. As per the prosecution story, the informant alleged that while on patrolling duty, they found tractors engaged in illegal loading of sand were parked there. Upon sight of the police, all the tractor drivers tried to escape. However, while three tractors/drivers managed to escape, the driver of the tractor in question escaped leaving the tractor at the place of occurrence. When the police wanted the said tractor to take to the police stations, the accused assembled and prevented them from doing so. It was only after the SOS sent to the nearby police station which arrived promptly that the police managed to take the tractor Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are neither the owner nor the driver and was not at the place of occurrence. Further, the amount of the sand has been deposited and the last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submit that they are ready to pay Rs. 2,000/- each to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer submitted that their names have been come in the FIR.

6. Taking into account the fact that these petitioners



are neither the owners nor the drivers of the vehicles in question, are local villagers and having been named in the FIR, have undertaken to diligently appear in trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 2,000/- each by these petitioners individually to the Chief Minister's Relief Fund as undertaken by the petitioners through their respective learned counsels.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Konch P.S. Case No. 466 of 2023 to the satisfaction of learned J.M. – 1st Class, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 their bail bond by the Trial Court itself;



(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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;

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

(Rajiv Roy, J)

Vijay Singh/-

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