

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52538 of 2024**

Arising Out of PS. Case No.-237 Year-2023 Thana- MAHISHI District- Saharsa

=====

Pawan Kumar Chaudhary @ Pawan Chaudhary Son Of Shivnath Chaudhary  
Resident Of Village - Mahishi, Ward No.09, P.S. - Mahishi, District - Saharsa

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Abhilasha Gupta Son Of Ashok Kumar Gupta Resident Of Village -  
Shrikandarpur, P.O. And P.S. - Muzaffarpur, District - Muzaffarpur, At  
Present Mining Inspector, District Mining Office, Saharsa

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate  
For the Opposite Party/s : Ms. Shaheen Begum, APP

=====

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      21-09-2024                      Heard Learned Counsel for the petitioner and  
  
learned APP for the State.

2. The petitioner is apprehending arrest in connection  
with Mahishi P.S. Case No. 237 of 2023 lodged on 20.09.2023  
for offences punishable under Sections 341, 323, 332, 379, 411,  
504, 506 of the Indian Penal Code and Sections 56, 43, 60(3) of  
the Mines & Minerals (Development & Regulations) Act 2021.

3. As per the prosecution, the F.I.R. has been lodged  
with an allegation of illegal mine and mineral causing a loss to  
the tune of Rs. 30,325/- to the government.

4. Learned Counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He further



submits that since his antecedent is not clean, therefore, his name has been inserted by the Mine Inspector maliciously. He further submits that there are four antecedents of the petitioner and he is on bail in all the cases.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner has caused a loss of Rs. 30,325/- to the Government.

6. As such, considering the aforesaid facts and circumstances, subject to payment of Rs. 30,325/- before the Mines and Minerals Department, let the above named petitioner be released on bail, in the event of arrest of surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Saharsa, subject to the condition as laid down under Section 438(2) Cr.P.C.

7. It is made clear that at the time of surrender the petitioner shall produce substantial proof showing depositing of Rs. 30,325/- before the Mines and Minerals Department as well as he shall also file an affidavit that he is not absconding in any one of the cases which has been mentioned in paragraph 3 of the bail petition as under:-



- (i) Mahishi P.S. Case No. 60 of 2018.
- (ii) Mahishi P.S. Case No. 227 of 2021.
- (iii) Mahishi P.S. Case No. 86 of 2022.
- (iv) Mahishi P.S. Case No. 373 of 2022.

**(Dr. Anshuman, J)**

Ankit Kumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

