

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51550 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- ISHUPUR BARAHAT District- Bhagalpur

1. Arun Kumar Panday Son of Indradev Panday R/O Vill.- Gauripur, P.s.- Ishipur Barahat, Dist.- Bhagalpur
2. Umesh Panday @ Umesh Pandey Son of Ram Mohan Panday R/O Vill.- Kushalpur, Rajgaon, P.s.- Ishipur Barahat, Dist.- Bhagalpur
3. Ashok Kumar Rajak @ Ashok Rajak Son of Suresh Baitha R/O Vill.- Shampur, P.s.- Ishipur Barahat, Dist.- Bhagalpur
4. Sheshnath Bhagat Son of Prabhunath Bhagat R/O Vill.- Chhoti Mehdi Pokhar, Barmasia, P.s.- Ishipur Barahat, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Ishipur (Barahat) P.S. Case No. 25 of 2023 dated 03.02.2023,
instituted for the offence punishable under Sections 378, 379,
411, 420 of the Indian Penal Code and Section 39(1) (2) (3) (4),
43, 56 of the B.M.M.C. Rule (2019 Amendment Act, 2021).

3. The prosecution case, in short, the informant who is
a Mines Inspector, along with other police personnel conducted
raid in Mauja Kushalpur and its surrounding areas. During raid,



it was observed that there were several stone crushers and business of illegal stone was being done without the permission of the District Mining officer, Bhagalpur.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that only on the basis of suspicion, the petitioners have been made accused in this case. It is also submitted that alleged stone has been seized in absence of the petitioners by the officials of the mining department. It is further submitted that when petitioners came to know that their names have come in this case then they have deposited the fine by E.Challan on 17.02.2023 and the Mining Development Officer, Bhagalpur has issued letter No. 383 dated 17.02.2023 to S.H.O. Ishipur Barahat, Bhagalpur stating therein that petitioners and others have already deposited the fine (Annexure-3). The details of the fine amount deposited is as follows:- Petitioner no. 1, namely, Arun Kumar Pandey deposited Rs. 1,42,150/-, Petitioner no. 2 Umesh Pandey deposited Rs. 1,31,500/-, Petitioner no. 3 Ashok Kumar Rajak deposited Rs. 1,84,750/- and Petitioner no. 4 Sheshnath Bahagat deposited Rs. 1,31,510/- by E-Challan. It is further submitted that similarly situated persons, namely, Abhay Kumar Verma,



Umesh Kumar Yadav and Sandeep Kumar have been granted bail *vide* order dated 15.05.2024 passed in Criminal Miscellaneous No. 29267 of 2024. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Ishipur (Barahat) P.S. Case No. 25 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Bhagalpur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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