

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57009 of 2023

Arising Out of PS. Case No.-168 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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1. Shyam Bihari Thakur Son Of Daroga Thakur Resident Of Village- Bhawanipur, Ward No. 1, Ps- Sangrampur, Dist- East Champaran
 2. Permatma Mishra Son Of Jamadar Mishra Resident Of Village- Bhawanipur, Ward No. 1, Ps- Sangrampur, Dist- East Champaran
 3. Aashnand Rai @ Aash Nand Rai @ Aasha Nand Rai Son Of Chandera Deo Rai Resident Of Village- Bhawanipur, Ward No. 1, Ps- Sangrampur, Dist- East Champaran
 4. Abhishek Rai Son Of Hari Mohan Rai @ Hari Mahan Rai Resident Of Village- Bhawanipur, Ward No. 1, Ps- Sangrampur, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Additional Chief Secretary Cum Mines Commissioner Mines And Geology Department, Govt. Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.
For the Opposite Party/s : Mr. Naresh Dikshit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-01-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the Mines and Geology Department.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and Rule 56 of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rules, 2019 and u/s 4 and 21 of the Mines and



Minerals (Development and Regulation) Act, 1957.

3. Allegations against the petitioners that they had illegally stocked white sand without license due to which Government has suffered loss of huge amount.

4. It is submitted by learned counsel for the petitioners that petitioners are innocent and have committed no offence as alleged in the petition. Petitioners have been falsely implicated in this case. He further submitted that the seized white sand does not belong to the petitioners rather it was the property of one contractor, Vijay Kumar Dixit. There is an agreement between the Government and contractor Vijay Kumar Dixit, in this regard a certificate of contractor is also annexed with the bail petition. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners no. 1 and 2 have no criminal antecedent and petitioners no. 3 and 4 have two criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the Mines and Geology Department vehemently opposed the prayer for bail of the petitioners and submitted that petitioners have stocked white sand in huge amount without license.

6. Having regard to the facts and circumstances of the



case, considering the fact that there is no specific overt act against the petitioners and they were not involved in the storage of said white sand, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Sangrampur P.S. Case No. 168 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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