

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56713 of 2024

Arising Out of PS. Case No.-139 Year-2024 Thana- BARHARA District- Bhojpur

1.

Ashok Ray @ Ashok Rai S/o Rajandhari Ray R/o vill - Raipur Bingawan, P.S. - Doriganj, Distt. - Saran
2.

Sonu Kumar S/o Ganga Ray R/o vill - Raipur Bingawan, P.S. - Doriganj, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Krishna
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2

04-09-2024

1.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2.

This application, for grant of anticipatory bail, arises out of Barhara Police Station Case No. 139 of 2024, dated 19.03.2024, disclosing offences punishable under Sections 341/323/379/411/353/504/506/34 of the Indian Penal Code.

3.

The prosecution case, as per the First Information Report, is that on 18.03.2024, at about 11:30 PM, the police, while on patrolling, intercepted three tractors, loaded with sand, and upon seeing the police party, the drivers of the tractors tried to flee away, but the police apprehended one



of the drivers, who disclosed his name as Ripu Kumar. In the mean while, the owners of all the three tractors, along with 10-12 persons, came there and told the police that they can not take away the tractors and they tried to forcibly freed the arrested accused Ripu Kumar by the Police, on which the Police tried to apprehend the accused persons, but the accused persons fled away. It has been alleged that 200 CFT illegally extracted sand was loaded on each of the tractors.

4. Learned Counsel for the petitioners submits that the petitioner no. 1 is the owner and petitioner no. 2 is the driver of one of the three tractors, loaded with illegally extracted sand. The capacity of each of the tractor to carry sand is 100 CFT. As per Rule 56 (2) of the 2021 Amendment Rules, the compounding fee of Rs. 25,000/- has been fixed along with the cost of mineral. The petitioners are ready to pay the compounding fee as well as the cost of sand to the value of 200 CFT before the Mining Officer/ Assistant Mining Officer.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the provision of the Rule 56 (2) of the 2021 Amendment Rules, I am



inclined to grant the petitioners privilege of anticipatory bail, subject to deposit of Rs. 50,000/- for the Eicher tractor, having registration no. BR 03GB/6677, before the Mining Officer/ Assistant Mining Officer within a period of three weeks from today.

6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Barahara Police Station Case No. 139 of 2024, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure, and (ii) the petitioners will produce a receipt showing deposit of Rs. 50,000/- for the Eicher tractor, having registration no. BR 03GB/6677, at the time of furnishing of bail bonds.
8. The money deposited by the petitioners are without prejudice to the value of the sand disclosed in the First Information Report.



9. The petitioners shall be at liberty to pursue the compounding before the concerned authority as per law who shall decide claim of compounding on its own merit. However, the money deposited by the petitioners as condition of bail shall be taken into consideration for deciding the claim of the petitioners for compounding.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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