

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55856 of 2024**

Arising Out of PS. Case No.-164 Year-2024 Thana- KOILWAR District- Bhojpur

Sri Ram Rai, aged about 44 years, Male, SON OF JAMUNA RAI, Resident  
of VILLAGE- KOILWAR, PS- KOILWAR, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      31-08-2024                      Heard Mr. Anil Kumar Singh, learned counsel  
appearing on behalf of the petitioner and Mr. Kalyan Shankar,  
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection  
with Koilwar P.S. Case No. 164 of 2024 registered for the  
offence(s) punishable under Sections 379 and 411 of the Indian  
Penal Code.

3. As per the allegation made in the FIR, a tractor  
along with trailer loaded with sand bearing Registration  
No.BR03G9932, allegedly without valid challan, was seized by  
the police force.

4. Learned counsel appearing on behalf of the  
petitioner submitted that no illegal mining of sand was  
conducted by the petitioner, rather the same was being removed



by the petitioner from his field for agriculture purpose and there is also no allegation that any offence has been committed under the Mines And Minerals (Development and Regulation) Act, 1957. Learned counsel further submitted that in case of illegal mining as per the requirement of provision of Mines And Minerals (Development and Regulation) Act, for proper action, a copy of the FIR was also required to be sent to the District Magistrate-cum-District Mines Officer and the same having not been done, merely on the basis of a frivolous allegation, the petitioner has been implicated in a false case. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner has claimed that the sand, which was loaded on his tractor, which is registered in his name, was being transported from one place to another for the agriculture purpose and the same will not constitute any offence under Section 379 of Indian Penal Code and, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be



released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 164 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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