

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.58950 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- SAHAR District- Bhojpur

SANTOSH KUMAR @ SANTOSH KUMAR SINGH SON OF BHAGWAN
SINGH VILLAGE- JOGA KHARAICHA, PS- CHAURI, DIST- BHOJPUR

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. THE ASSISTANT DIRECTOR, DISTRICT MINES OFFICE, BHOJPUR
(ARA) BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay
For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 211-09-2024
1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Sahar Police Station Case No. 70 of 2024, disclosing offences punishable under Sections 379/411 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that on 05.04.2024, at about 5:40 hours, the informant received information that one sand loaded tractor has been apprehended at village-Bajeriya and upon reaching there, he found one sand loaded tractor parked there. No



papers in respect of 50CFT. sand, loaded on the Sonalika tractor having Registration No. BR03GB-8159, were produced. It has been alleged that 50 CFT illegally extracted sand was loaded on the aforesaid Sonalika tractor.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He next submits that no independent witness has supported the prosecution allegation against the petitioner and the seizure has not been made in accordance with law. He next submits that petitioner and his tractor has been roped in the case at the instance of enemies of the village. He next submits that no witness has alleged that the petitioner was himself doing illegal mining. He further submits that petitioner is having no criminal antecedent. 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 petitioner is ready to pay the compounding fee as well as the cost of sand to the value of 50 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 petitioner privilege of anticipatory bail, subject to deposit of Rs. 31,000/-, before the Mining Officer/ Assistant Mining Officer within a period of three weeks from today.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his 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 Judicial Magistrate-1st, F.C., Bhojpur, at Ara, in connection with Sahar Police Station Case No. 70 of 2024, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure, and (ii) the petitioner will produce a receipt showing deposit of Rs. 31,000/- (Thirty One Thousand), at the time of furnishing of bail bonds.

8. The money deposited by the petitioner is without prejudice to the value of the sand.

9. The petitioner 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 petitioner as condition of bail shall



be taken into consideration for deciding the claim of the
petitioner for compounding.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

