

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57695 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- BARHARA District- Bhojpur

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1. BIJENDRA RAY, aged about 37 years, Male, SON OF YOGENDRA RAY R/V- VILLAGE- SOSAHEB TOLA, P.S.- GARKHA, DISTT.- SARAN
 2. MANOJ RAY, aged about 44 years, Male, SON OF JAMUNA RAY R/V- VILLAGE- FATANPURA, P.S.- GARKHA, DISTT.- SARANA

... .. 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.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2024 Heard Mr. Anil Kumar Singh, learned counsel

appearing on behalf of the petitioners and Mr. Chandra Bhushan

Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Barahara P.S. Case No. 130 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, three trucks
loaded with sand allegedly without valid challan, were seized
by the police force.

4. Learned counsel appearing on behalf of the
petitioners submitted that no illegal mining of sand was



conducted by the petitioners, rather the same was being removed by the petitioners from their own 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 petitioners have been implicated in a false case. Petitioners have 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 petitioners have claimed that the sand, which was loaded on their trucks, which is registered in their name, were being transported from one place to another for the agriculture purpose from their own land, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barahara P.S. Case No. 130 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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