

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58652 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- CHANDI District- Bhojpur

Dhananjay Kumar S/o Kameshwar Singh R/o Vill.- Kunjal Tola, P.S.- Chandi,
Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-09-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Chandi P.S. Case No. 296 / 2023 dated 12.11.2023 registered under Sections 379, 411 of the I.P.C.

3. As per the First Information Report on 12.11.2023 the Police intercepted one Sonalika Tractor bearing Engine No. 3102FLU24C1154067F19, Chasis No. AZYDJ1161188S3 loaded with Sone sand and seized 100 CFT of Sone sand, however, the driver managed to escape.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to some altercation between the petitioner and the S.H.O. inasmuch as the concerned Police Officer had demanded the tractor for some personal work, which was denied by the petitioner. He submits



that the petitioner is the Driver of the tractor in question. He next submits that 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 100 CFT i.e. Rs. 12,000/- (Twelve Thousand) before the Mining Officer / Assistant Mining Officer.

5. Regard being had to the submission 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 the privilege of anticipatory bail, subject to deposit of Rs. 37,000/- (Thirty Seven Thousand) before Mining Officer / Assistant Mining Officer within a period of three weeks from today.

6. Let the petitioner, above named, be released on anticipatory bail in the event of 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 C.J.M., Bhojpur at Ara or concern court Bhojpur at Ara in connection with Chandi P.S. Case No. 296 / 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



and further condition that the petitioner will produce a receipt showing deposit of Rs. 37,000/- (Thirty Seven Thousand) at the time of furnishing of bail bonds.

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

8. 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)

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