

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65566 of 2024**

Arising Out of PS. Case No.-103 Year-2024 Thana- LAUKAHA District- Madhubani

1. Md. Habib @ Md. Habiba Late Latif Mansuri @ Md. Latif Village- Badarjhuli, P.O. Laxmipur, P.S. Laukaha, District- Madhubani
2. Md. Gulten @ Gulten Mansuri son of Late Bholai Mansuri Village- Badarjhuli, P.O. Laxmipur, P.S. Laukaha, District- Madhubani
3. Md. Guljar @ Guljar @ Guzar son of Md. Sabir Village- Badarjhuli, P.O. Laxmipur, P.S. Laukaha, District- Madhubani

... .. Petitioners

Versus

1. The State of Bihar.
2. Mr. Naresh Dixit, Advocate for Mines and Minerals Dept. Govt. of Bihar, Patna Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate  
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      05-10-2024                      Heard Mr. Jitendra Kumar Bharti, the learned counsel for the petitioner, the learned counsel for the Mines Department and Mr. Ram Sumiran Rai, the learned Additional Public Prosecutor for the State.

2.                      The petitioners are apprehending their arrest in connection with Laukaha PS Case No. 103 of 2024, FIR dated 16.05.2024, registered for the offences punishable under Sections 379, 353 and 504 of the Indian Penal Code and under Section 56(2) of the Bihar Minerals (Concession, prevention of illegal mining, transportation & storage) Amendment Rules,



2019 and also under Sections 4 and 21 of M.M.D.R. Act, 1957.

3. According to the prosecution case, after receiving information regarding illegal mining of white sand near NH-27, the informant conducted raid at the alleged place, however, upon seeing the raiding team, the people who were mining illegally fled away with tractors except one tractor. It is further alleged that when the raiding team tried to seize the left tractor, the local people obstructed to the same and took away the tractor.

4. Learned counsel for the petitioner submits that petitioners have clean antecedent and they have falsely been implicated in the present case on the basis of information furnished by local chowkidar and petitioners have no concern at all either with the alleged recovery or with the vehicle in question.

5. The learned counsel for the Mines Department as well as the the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and they are neither owners nor drivers of the vehicle in question, let



the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jhanjharpur, Madhubani, where the case is pending in connection with **Laukaha PS Case No. 103 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have



concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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