

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61274 of 2023

Arising Out of PS. Case No.-240 Year-2021 Thana- PARAIYA District- Gaya

MD. DANISH S/O MD. AJMAL HUSSAIN @ AMJAD HUSSAIN @ MD.
AJMA ALAM R/O Near Masjid at VILLAGE- SUDHANI, P.S- PARAIYA,
DISTT.- GAYA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE DISTRICT MINING OFFICER, GAYA. BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-02-2024 Heard Mr. Shivendra Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Shyameshwar
Dayal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Paraiya P.S. Case No. 240 of 2021 dated 17.11.2021
registered for the offence(s) punishable under Sections 379/411
of the Indian Penal Code, Section 21 of the Mines and Minerals
(Development and Regulation) Act and Rule 56 of the Bihar
Minerals (Concession, Prevention of Illegal Mining
Transportation and Storage) Amendment Rules.

3. As per the allegation made in the FIR, three trucks
were seized loaded with sand, out of these trucks, truck bearing



Registration No. BR02T-0239 belongs to the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that offence is compoundable under Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules and seeks to deposit the amount of compensation in accordance with the provision of the said Section.

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 parties, as well as, the provision of Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules, the petitioner is directed to submit the compounding fee, as well as, the amount of penalty, if any, before the District Mining Officer. The District Mining Officer, after being satisfied, is directed to issue certificate to the extent that the offence has been compounded after the petitioner has deposited the required amount of penalty. The above exercise is required to be carried out within a period of four weeks from the date of passing of the this order. The District Mining Officer or competent authority-cum-District Magistrate must not delay to act upon before the expiry of four



weeks.

7. In case, the petitioner is able to file the certificate, duly granted by the competent authority, 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 eight 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, Gaya in connection with Paraiya P.S. Case No. 240 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

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