

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61966 of 2024

Arising Out of PS. Case No.-412 Year-2024 Thana- ARA NAWADA District- Bhojpur

Shushil Kumar Singh S/o Late Bangali Singh Resident of Mathiyapur, P.S.-
Chandi, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2024 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 Ara Nawada Police Station Case No. 412 of 2024
dated 14.06.2024, disclosing offences punishable under Sections
379, 411, 353, 34 of the Indian Penal Code.

3. The prosecution case, as per the First Information
Report, is that on 14.06.2024, at 04:50 AM, the police, while
patrolling, reached Chanda Mod New Police Line and
intercepted drivers of one motorcycle, bearing registration no.
BR03AB6941, which was ushering one Mahindra tractor and
trailer, bearing chassis no. MBNABAEXPXPKRE0782. Upon
being intercepted they disclosed their names as Pradeep Singh
and Manoranjan Kumar. It has further been alleged that illegally



extracted sand was loaded on the tractor/trailer.

4. Learned Counsel for the petitioner submits that the petitioner is the owner of the tractor and trailer, bearing chassis no. MBNABAEXPXPKRE07825. The petitioners are ready to pay the compounding fee as well as the cost of sand before the Mining Officer/Assistant Mining Officer.

5. The capacity of the tractor to carry sand is 100 CFT, but the tractor/trailer was overloaded. 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. Since the tractors/trailer was overloaded, as such, it can carry 200 CFT of sand, the value of which would be at least Rs. 24,000/-.

6. 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. 49,000/- (Rs. 25,000/- as compounding fee and Rs. 24,000/- as cost of sand), before the Mining Officer/Assistant Mining Officer, within a period of three weeks from today.

7. This application is, accordingly, allowed.

8. 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Nawada Police Station Case No. 412 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 acknowledgment receipt granted by Mining Officer showing deposit of Rs. 49,000/- (Fourty Nine Thousand), at the time of furnishing of bail bonds.

9. The money deposited by the petitioner shall be without prejudice to the value of the sand.

10. 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.

11. 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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