

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62204 of 2024

Arising Out of PS. Case No.-193 Year-2024 Thana- BARHARA District- Bhojpur

1.

Manoj Rai Son of Indradev Rai village- Senduar Purabtola, Ps-Janta Bazar, Dist- Saran
2.

Sabita Devi Wife of Late Sudarshan Ram village- Lahladpur, Ps-Janta Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh
For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2

17-10-2024

1.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2.

This application, for grant of anticipatory bail, arises out of Barhara Police Station Case No. 193 of 2024 dated 17.05.2024, disclosing offences punishable under Sections 379, 411 of the Indian Penal Code.

3.

The prosecution case, as per the First Information Report, is that on 16.05.2024, at 10:00 PM, the police, while patrolling, reached Babura check post and saw that five tractors, loaded with sand, were coming from Koilwar. Upon seeing the police force the drivers/persons sitting on the tractors started fleeing away and succeeded in it. Neither the driver nor the



owner of the tractors came to show papers/documents of the tractors. It has further been alleged that 200 CFT illegally extracted sand was loaded on each of the tractors/trailer.

4. Learned Counsel for the petitioners submits that the petitioner no. 1 is the owner of the tractor and trailer, bearing registration no. BR29GB0269, and petitioner no. 2 is the owner of tractor and trailer, bearing registration no. BR04GA6951. 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 tractors/trailers were found 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 were found overloaded with 200 CFT of sand, as such, 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 petitioners 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) each by the petitioner nos. 1 and 2,



before the Mining Officer/Assistant Mining Officer, within a period of three weeks from today.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Barhara Police Station Case No. 193 of 2024, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure, and (ii) the petitioner nos. 1 and 2 will produce acknowledgment receipt granted by the Mining Officer showing deposit of Rs. 49,000/- (Fourty Nine Thousand) each at the time of furnishing of bail bonds.

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

10. The petitioners 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 petitioners as condition of bail shall be taken into consideration for



deciding the claim of the petitioners for compounding.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

