

Arising Out of PS. Case No.-177 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Harendra Prasad

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 Ara Muffasil Police Station Case No. 177 of 2024 dated 26.06.2024, 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 26.06.2024, at 11:00 AM, the police, while patrolling, reached village Jamira and saw that three tractors



loaded with sand were coming from Chandi. Upon seeing the police force the drivers of 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. The seized tractors are 1. Mahindra Tractor, bearing registration no. BR3E3283, 2. Sawaraj Tractor, bearing registration no. BR04O3971 and 3. Mahindra Tractor, bearing registration no. BR03K5850.

4. Learned Counsel for the petitioners submits that the petitioner no. 1 is the owner of the Mahindra tractor and trailer, bearing registration no. BR3E3283, and the petitioner no. 2 is the driver of the said tractor, petitioner no. 3 is the owner of Sawaraj tractor and trailer, bearing registration no. BR04O3971, and petitioner no. 4 is the driver of the said tractor and petitioner no. 5 is the owner of the Mahindra tractor and trailer, bearing registration no. BR03K5850, and the petitioner no. 6 is the driver of the said tractor. The petitioners are ready to pay the compounding 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 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 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, 3 and 5, who are the owner of the tractors, 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 Ara Mufassil Police Station Case No. 177 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, 3 and 5 will produce an 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)

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