

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63942 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- SANDESH District- Bhojpur

1. Bir Bahadur Yadav Son of Late Lal Mohar Yadav Resident of Village - Bishunpur, Ps- Chandi, Dist- Bhojpur
2. Sanjay Singh Son of Rasnandan Singh Village- Jalpura, Ps- chandi, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 05-10-2024 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 Sandesh Police Station Case No. 59 of 2024 dated 27.02.2024, disclosing offences punishable under Sections 379, 411, 414, 120-B of the Indian Penal Code and Sections 192 and 194 of Motor Vehicle Act, 1988 and Section 15 of the Environment (Protection) Act.

3. The prosecution case, as per the First Information Report, is that on 27.02.2024, at about 18:30 hour, the police, while on patrolling, saw a tractor loaded with sand. Upon seeing the police party, the drivers of the tractor succeeded in fleeing away but the tractor has been seized. In the mean while, nearby local people gathered but no one was ready to be the



independent witness and accordingly, seizure list was prepared in presence of two police constables. It has been alleged that illegally extracted sand was loaded on the tractor.

4. Learned Counsel for the petitioners submits that the petitioner no. 1 is the owner of the tractor and trailer and petitioner no. 2 is the driver of the said tractor. The capacity of the tractor to carry sand is 100 CFT. 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. The petitioners are ready to pay the compounding fee as well as the cost of sand i.e. Rs. 10,000/- before the Mining Officer/Assistant Mining Officer.

5. 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. 35,000/- (Thirty Five thousand), before the Mining Officer/ Assistant Mining Officer within a period of three weeks from today.

6. This application is, accordingly, allowed.

7. 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 Judicial Magistrate 1st Class, Bhojpur, at Ara, in connection with Sandesh Police Station Case No. 59 of 2024 dated 27.02.2024, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure, and (ii) the petitioners will produce a receipt granted by Mining Officer showing deposit of Rs. 35,000/- (Thirty Five thousand), at the time of furnishing of bail bonds.

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

9. 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.

10. 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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