

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71963 of 2023

Arising Out of PS. Case No.-702 Year-2022 Thana- KOILWAR District- Bhojpur

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1. SONU KUMAR S/o- BIDYA RAY R/o- Suraunda Ps- Koilwar Dist- Bhojpur At Present Digha Ps- Digha Dist- Patna
 2. Shambhu Kumar son of Bidya Ray R/o- Suraunda Ps- Koilwar Dist- Bhojpur At Present Digha Ps- Digha Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Secretary, Department of Mines and Geology Govt. of Bihar, Patna Bihar
3. The District Magistrate cum Collector, Bhojpur Bihar
4. The Mineral Development officer, Dist Mining Office, Bhojpur Bihar
5. The Mines Inspector, Bhojpur Bihar
6. The Officer in Charge, Koilwar Bhojpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey Mr. Rajesh Kumar
For the Opposite Party/s	:	Mr. Shyameshwar Dayal
For the Mines Dept.	:	Mr. Naresh Dikshit Mrs. Kalpana

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-10-2024 Heard the parties including learned counsel for the

Mines Department.

2. This application has been filed on behalf of the petitioner for quashing the order dated 10.08.2023 passed by the learned Chief Judicial Magistrate, Bhojpur in Koilwar P.S. Case No. 702 of 2022.

3. It has been submitted by the learned counsel for the petitioners that they are ready to pay their share of fine along



with their share of compounding fee in installments.

4. The learned counsel for the mining department has no objection to the offer given by the learned counsel for the petitioners.

5. In these circumstances, this application is allowed.

6. The petitioners are directed to pay the proportionate fine totalling to Rs. 23,12,500/- each in ten installments.

7. The first installment shall be deposited by the petitioners by 21st of October, 2024. After depositing of the first installment by the petitioners, the vehicles in question i.e. (i) Poclain Machine bearing Sr. No. 5200-53170, Tata Hitachi, M.P. Construction Model EX 200L and (ii) Sr. No. HYNDN635CE0004544, Poclain Hyundai, Model No. R215L, Engine No. 148/110/2000 are directed to be released in favour of the petitioners.

8. The petitioners will also give an undertaking that they will regularly pay the remaining installments by 15th of each month.

9. The petitioners will also undertake that they will not sell the poclain machines, until and unless they pay the entire amount of fine.

10. The petitioners will also undertake to supply the



address of the sites on which the poclain machines are taken for earning their livelihood.

11. If the entire amount, as agreed by the petitioners is paid then the Court below will pass an appropriate order in this matter.

12. With the aforesaid directions, this application stands allowed.

(Sandeep Kumar, J)

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