

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70937 of 2024

Arising Out of PS. Case No.-414 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

1. Ramashankar Baitha Son of Vipat Baitha Resident of Village- Ibrahimpur, Rainshankar Ibrahimpur, P.S.- Runnisaidpur, Distt.- Sitamarhi
2. Shobha Kant Baitha @ Shobha Baitha Son of Ramashankar Baitha Resident of Village- Ibrahimpur, Rainshankar Ibrahimpur, P.S.- Runnisaidpur, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Inspector, Sitamarhi Sitamarhi, District-Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar
For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-10-2024 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 Runnisaidpur Police Station Case No. 414 of 2023, disclosing offences under Sections 379 of the Indian Penal Code and Sections 51, 11 of Minerals Concession Prevention of Illegal Transportation and Storage Act, 2019.

3. As per the First Information Report, lodged by Mines Inspector, Sitamarhi, on the basis of complaint received from Nirmala Devi, Member of Panchayat Samiti, alleging therein that on 08.07.2023, the petitioners were indulged in extracting the soil from the government land. Upon such information, the informant went to the site, conducted inquiry in



presence of some villagers and found that from a pond, which is 60 ft. long, 10 ft. broad and 10 ft. deep, 6,000 CFT of soil has been extracted.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in the present case due to political rivalry. The petitioner no. 1 is the husband of the elected Mukhiya of Gram Panchayat Raj Khairka, Block Runnisaidpur and petitioner no. 2 is his son. A false FIR has been lodged on the basis of the complaint made by one Nirmala Devi who is member of the Panchayat Samiti. The plot number and other details of the government land has not been mentioned in the FIR and the so called inquiry conducted by the informant, Mining Officer, from the co-villagers are related to the complainant, Nirmala Devi. Learned counsel submits that there is no possibility that the petitioners will abscond or tamper with the evidence.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioners may not abscond or tamper with the evidence, I am inclined to grant the petitioners privilege of anticipatory bail.

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 four weeks, 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, Sitamarhi, in connection with Runnisaidpur Police Station Case No. 414 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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