

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69673 of 2024

Arising Out of PS. Case No.-191 Year-2024 Thana- KOILWAR District- Bhojpur

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1. Pappu Kumar, Son of Mukhiya Ray, R/O-Village- Pachrukhiya, P.S.- Koilwar, District- Bhojpur
 2. Surendra Kumar, Son of Hitnarayan Ray, Resident of Near Airtel Tower, Jamira, P.S.- Koilwar, Dist.- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Dept. of Mines

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-10-2024 Heard learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Koilwar P.S. Case No. 191 of 2024, registered for the offences punishable under Sections 379, 411 and 34 of the Indian Penal Code and Sections 56(1), 56(2) of the BP(CPIMTS).

3. It is alleged that the petitioners are indulged in illegal mining of sand. The police on tip off illegal mining conducted raid and seized nine tractors, including the subject tractor, of which the petitioner no. 1 is the owner whereas, the



petitioner no. 2 is the driver.

4. Learned Advocate appearing on behalf of the petitioners contended that the narrations made in the FIR clearly reveals that there is no allegation of illegal mining against the petitioners. The only material available on record suggest that the tractor was seized while it was carrying sand. Only because of the petitioner no. 1 being owner of the vehicle and the petitioner no. 2 being driver of the same, they have been made accused in this case. The petitioner no. 1 undertake that he is ready to deposit a fine of Rs. 20,000/- (Rupees twenty thousand) before the concerned Mining Officer. The petitioners bear fair antecedent and the investigation of the crime is complete.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that in course of raid, the tractor in question was seized alongwith other vehicles having no registration number, which was indulged in carrying sand illegally.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the undertaking given by the petitioner no. 1 before this Court, coupled with their fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or



surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara or concern Court, Bhojpur at Ara in connection with Koilwar P.S. Case No. 191 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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