

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69606 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- KOILWAR District- Bhojpur

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1. Urmila Devi W/O Ramesh Ray Resident Of Village- Pachrukhiyakala, Police Station- Koilwar, Distt- Bhojpur
 2. Pradeep Kumar S/O Sushil Ray Resident Of Village- Pachrukhiyakala, Police Station- Koilwar, Distt- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Officer, District - Bhojpur at Ara

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar Singh, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-12-2024 1. Heard Mr. Niraj Kumar Singh, learned counsel

for the petitioners and Mr. Suresh Prasad Singh, learned APP for

the State.

2. The petitioners apprehend their arrest in connection

with Koilwar P.S. Case No. 197 of 2024 dated 21.04.2024

registered for the offence(s) punishable under Section(s) 379

and 411 of the Indian Penal Code and Sections 56(1) and 56(2)

of Bihar Minerals (Concession, Prevention of Illegal Mining,

Transportation and Storage) Amendment Rules, 2021 in short

“Bihar Minerals (C.P.I.M.T.S.) Rules.”

3. The main submissions advanced by the learned

counsel appearing for the petitioners are that as per the



allegations, the instant matter relates to the illegal mining of sand from Sone river in violation of the Bihar Minerals (C.P.I.M.T.S.) Rules though, the alleged tractor which is said to have been seized by the mining officials belongs to the petitioner no.1 but photograph attached to the FIR showing the place of excavation does not depict the picture of the tractor of the petitioner no.1 as being present at the place of excavation and further, no excavator or any other machine was found at the alleged place. It is further submitted that the petitioner no.1 is a lady and she had rented her tractor to some contractors for the use of transportation and the petitioner no. 2 is the driver of the tractor and both have fair and clean antecedents.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Having considered the seriousness of the allegations which relates to the loss of Rs. 4,69,656/- to the State Government on account of illegal mining of the sand from the government land and admittedly, the petitioner no.2 was driver of the petitioner no.1 whose tractor was found being loaded with the sand and there is no reliable defence on the part of the petitioner no.1 to justify the carrying of the seized sand by her tractor and the petitioners' defence mentioned in the



paragraph no. 13 of the petition does not seem reliable and the case is under investigation, so, considering these aspects this court is not inclined to grant the relief of anticipatory bail to the **petitioner no. 2 (Pradeep Kumar). Accordingly, his prayer stands rejected.**

6. Though, the petitioner no.1 (Urmila Devi) is said to be owner of the alleged tractor however she is a lady and has fair and clean antecedent and it is not the case of prosecution that the petitioner was present with the petitioner no.2 at the time of recovery, so, considering these aspects, this court is inclined to grant the relief of anticipatory bail to her. Accordingly, let the **petitioner no. 1 (Urmila Devi)**, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, **be released on anticipatory bail in connection with Koilwar P.S. Case No. 197 of 2024** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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