

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74806 of 2024

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

- 1. Rahul Kumar S/o Siyaram Ray R/o Kolharampur, Babura Road, Temple Barhara, Pachrukha, Distt. - Bhojpur, Bihar
- 2. Sanejar Ray S/o Lakshman Ray R/o Harhangi Tola, Daulatpur, P.O. - Daulatpur, Distt - Bhojpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mines Department, Department of Mines, Government of Bihar, Patna Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 80394 of 2024

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

Vinod Kumar Son of Ram Niwas Roy Resident of Village - Bishunpur Tola Semra, Police Station - Barahara, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 74806 of 2024)
For the Petitioner/s : Mr. Ravi Ranjan, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP
For the Mines Dept. : Ms. Kalpana, Adv.
(In CRIMINAL MISCELLANEOUS No. 80394 of 2024)
For the Petitioner/s : Mr. Uday Kumar, Adv.
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2024 Since both the applications are arising out of the same

P.S. case and, as such, with consent of the parties, they are taken

up together and disposed off by a common order.

2. Heard learned Advocate for the petitioners and



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 and 411/34 of the Indian Penal Code and Sections 56(1), 56(2) of the BM(CPIMTS) Rules, 2021.

3. It is alleged that the petitioners are indulged in illegal mining of sand. The police on a tip-off illegal mining conducted raid and seized nine tractors, including the subject tractors, of which the petitioners (in Cr. Misc. No. 74806 of 2024) are the owner and the driver whereas the petitioner (in Cr. Misc. No.80394 of 2024) is the owner.

4. Learned Advocate for 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, suggests that only the tractors were seized without any trolley and, as such, the allegation of carrying sand also does not fortify. It is further contended that only because of the fact that the petitioners are owner and driver, their names have been implicated in this case on suspicion. Irrespective of the aforesaid facts, the petitioners undertake that they are ready to deposit a fine of Rs.20,000/- in



each cases 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 Mines as well as learned Advocate for the State opposed the bail application and submitted that the petitioners are involved in illegal mining and in course of raid, the tractors in question were seized.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the seizure list which only suggests that the tractors were seized without any trolley, coupled with the fair antecedent and the undertaking of the petitioners that they are ready to deposit a fine of Rs.20,000/- in both the cases separately, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, 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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