

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79603 of 2023**

Arising Out of PS. Case No.-133 Year-2022 Thana- RAUTARA District- Katihar

1. MD. ISRAIL Son of Md. Nausad R/o vill - Haripur Shivnagar, P.S. - Rautara, Distt. - Katihar
2. Md. Fahim @ Fahim Alam Son of Safique R/o vill - Haripur Shivnagar, P.S. - Rautara, Distt. - Katihar
3. Manzar Alam Son of Sanaullah R/o vill - Haripur Shivnagar, P.S. - Rautara, Distt. - Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. The Mines Inspector, District Mines Office, Katihar, Distt. - Katihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhola Prasad  
For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      25-01-2024                      Heard learned counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Rautara P.S. Case No. 133 of 2022 dated 06.11.2022 registered for the offences punishable u/ss 379, 427, 353 and 346 of the Indian Penal Code as well as MMDR Act 1957, Environment Protection Act 1986 and Mining & Mineral Development Regulation Act, 2019.

3. As per the prosecution case, on the direction of Senior Officer of Mines and Mineral, Katihar, the informant being a Mining Inspector went to Dhaja Ghaat, Chandwa



regarding inspection and where he found that some persons are involved in illegal mining activation and also found 12 tractors along with JCB at the place of occurrence. Due to lack of adequate facilities, it was not possible to bring all the vehicles in the police station premises. After some time, all the vehicle's drivers and owners came to the place of occurrence and forcibly ran away with their vehicles.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that people gathered there and disclosed the name of the petitioners and other co-accused persons. Learned counsel has further submitted that the petitioners have made accused in this case merely on suspicion. The petitioner no. 1 is the driver and the petitioner no. 2 is the helper of the tractor. The said tractor in question was not seized and the land belongs to one Tuntun Chaudhary. It is further submitted that the petitioner no. 3 is the owner of the tractor bearing Registration No. BR39GA-9166 who asked to deposit fine amount of Rs. 3,38,000/- by the mining department as such the petitioner deposited the said fine through 2 demand drafts on 22.11.2022 which has been accepted by the department and issued the receipt of the said deposited amount. The petitioners have no



criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Katihar in connection with Rautara P.S. Case No. 133 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

**(Chandra Prakash Singh, J)**

Gautam/-

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