

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78730 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- Geedha District- Bhojpur

Shri Krishna Singh @ Krishna Singh S/o Shyam Bihari Singh R/o vill -
Birampur, P.S. - Gidha, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Gidha P.S. Case No. 117 of 2024 dated 31.08.2024 registered
under Sections 303 (2), 317 (2) B.N.S and Rule 56(1) / 56(2) of
the Bihar Mineral (Concession, Prevention of Illegal Mining,
Transportation and Storage) Amendment Rule 2019.

3. The prosecution case in brief is that the informant during
the course of patrolling on 30.08.2024 at 2:30 A.M. found a
tractor loaded with illegal Sone Balu in the middle of Birampur
village under Gidha Police Station. The tractor was stopped by
him for inquiry but the driver of the tractor managed to flee
away. The tractor was loaded with 100 C.F.T. of Sone Balu.

4. Learned counsel for the petitioner submits that petitioner is
the owner of the tractor in question. The tractor was not seized



from the place of occurrence rather it was seized from the house of the petitioner. The sand seized by the Police is not of theft. He next submits that as per Rule 56(2) of the 2021 Amendment Rules, compounding fee of Rs. 25,000/- has been fixed along with the cost of mineral. The petitioner is ready to pay the compounding fee as well as the cost of sand to the value of 100 CFT i.e. Rs. 12,000/- (Twelve Thousand) before the Mining Officer / Assistant Mining Officer.

5. Regard being had to the submission advanced on behalf of the parties and taking into consideration the provision of the Rule 56 (2) of the 2021 Amendment Rules, I am inclined to grant the petitioner the privilege of anticipatory bail subject to deposit of Rs. 37,000/- (Thirty Seven Thousand) before the Mining Officer / Assistant Mining Officer within a period of three weeks from today.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Gidha P.S. Case No. 117 of 2024 subject to the condition



as laid down under Section 438 (2) of the Cr.P.C. and further condition that the petitioner will produce receipt showing deposit of Rs. 37,000/- (Thirty Seven Thousand) at the time of furnishing of bail bond.

7. The money deposited by the petitioner is without prejudice to the value of the sand.

8. The petitioner shall be at liberty to pursue the compounding before the concerned authority as per law, who shall decide the claim of compounding on its own merit. However, the money deposited by the petitioner as condition of bail shall be taken into consideration for deciding the claim of the petitioner for compounding.

(Anil Kumar Sinha, J)

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