

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79135 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- SAHEBPUR KAMAL District- Begusarai

Md. Istiyak Son of Md. Nur @ Md. Noor R/O Vill.- Maranchi, Ward no. 9,
P.S.- Maranchi, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 09-12-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sahebpur Kamal Police Station Case No. 41 of 2023, dated 13.02.2023, disclosing offences punishable under Section 379 of the Indian Penal Code and Sections 11, 43, 56(i)(ii) of Bihar Minerals Concessions and Prevention of Illegal Mining Transport & Storage Rule, 2019 (Amendment 2021) and Section 21(4) Mines and Minerals Development and Regulatory Act, 1957.
3. The prosecution case, as per the First Information Report, is that on 21.01.2023 at about 01:30



hours noon, a 10 wheeler truck bearing registration no. BR 09P-3422 has been apprehended by the informant and others, over which, 650 CFT yellow sand was loaded. It is further alleged that during enquiry, no valid document was produced and subsequently, the truck loaded with yellow sand was taken away from the police station by its driver/owner. It is also alleged that the owner of the truck had not paid the government revenue causing loss of Rs. 2.69,000/-.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case only because he happens to be the owner of the truck. As per Rule 56 (2) of the 2021 Amendment Rules, the 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 of 650 CFT i.e. Rs. 2.69,000/- before the Mining Officer/Assistant Mining Officer.

5. Regards being had to the submissions 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 privilege of anticipatory



bail, subject to deposit of Rs. 1 lac at the time of furnishing bail bonds and rest amount in two equal instalments, before the Mining Officer/ Assistant Mining Officer, within a period of three months from today.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Begusarai, in connection with Sahebpur Kamal Police Station Case No. 41 of 2023, subject to the conditions (i) laid down under Section 438 (2) of the Code of Criminal Procedure, and (ii) the petitioner will produce a receipt granted by Mining Officer showing deposit of Rs. 1 lac (Rs. One lac), at the time of furnishing of bail bonds.

8. The money deposited by the petitioner shall be without prejudice to the value of the sand.

9. The petitioner shall be at liberty to pursue the compounding before the concerned authority as per law



who shall decide 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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