

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85791 of 2023

Arising Out of PS. Case No.-1125 Year-2022 Thana- BIHTA District- Patna

-
1. MANISH KUMAR S/O SRI RAMA SHANKAR RAJ VILLAGE-SUARMARVA PS. MANER, DIST. PATNA.
 2. DINESH YADAV S/O JAGDISH MAHTO VILLAGE AND PS. BARHI PORIYA HAZARIBAGH, DIST. HAZARIBAGH (JHARKHAND)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. DHARAMBIR KUMAR S/O SRI RAMKISHUN PRASAD VILLAGE-BISHUNPUR, PS. ISHLAMPUR, DIST. NALANDA AT PRESENT POSTED AS MINNING INSPECTOR, DIST. MINNING OFFICE, PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, APP
For the Mines Dept.	:	Mr.Naresh Dikshit, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners, learned counsel for the Mines Department and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under section 379 and 411 of the IPC.

3. As per the prosecution case, four Pocklain Machines engaged in illegal mining of sand has been seized by the police and one person was apprehended and 27,840 cubic feet sand has been found stolen which caused loss of revenue to the tune of Rs.29,64,960/-.

4. It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No incriminating article has been recovered from the conscious physical possession of the petitioners. Petitioners have no criminal antecedent. Petitioner no.1 is the owner of one of the Pocklain machine and petitioner no.2 is driver of the same. Petitioners are ready to deposit their part of the loss amount to the tune of Rs.7,41,240/- in the Mines Department in installment.

5. Learned counsel for the Mines Department has no objection, if the said amount is deposited in installment.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on **provisional bail** for a period of six months from today, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bihta P.S. Case No.1125 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The provisional bail of the petitioners shall be confirmed by the learned court below itself on showing the receipt of



deposit of the aforesaid amount i.e. Rs.7,41,240/- in the Mines
department in three installments within a period of six months
from today.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

