

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82320 of 2023

Arising Out of PS. Case No.-172 Year-2023 Thana- AMBA District- Aurangabad

1. Dhiraj Paswan @ Dhiraj Kumar Son of Asitaram Paswan @ sitaram Paswan R/o vill - Dhanibar, P.S. - Amba, Dist. - Aurangabad
2. Satish Tiwari Son of Ramswaroop Tiwary R/o vill - Dhanibar, P.S. - Amba, Dist. - Aurangabad
3. Tinku Pandey @ Devendra Pandey Son of Kishor Pandey R/o vill - Braj Bigha, P.S. - Amba, Dist. - Aurangabad
4. Santosh Lal Son of Dasarath Lal R/o vill - Dhunda, P.S. - Amba, Dist. - Aurangabad
5. Vikash Pandey @ Vikash Kumar Son of Vinay Pandey @ Vinay Kumar Pandey R/o vill - Dhunda, P.S. - Amba, Dist. - Aurangabad
6. Monu Kumar @ Atul Kumar Son of Abhiraj Pandey R/o vill - Biraj Bigha, P.S. - Amba, Dist. - Aurangabad
7. Chikku Pandey @ Rakesh Kumar Son of Binod Pandey @ Binod Singh R/o vill - Erka, P.S. - Amba, Dist. - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines Inspector, District Mining Office, Aurangabad Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Amba P.S. Case no. 172 of 2023 instituted for the offence under Sections 379, 411 of the Indian Penal Code, section 21 of the Mines and Mineral (Development and



Regulation) Act, 1957 and Rule 11, 18 & 43 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and storage) Rules 2019 and section 56 of amendment Act rules, 2021.

3. As per allegation in the FIR, the allegation against the petitioners is of engaging in the business of illegal mining of sand and its storage.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to suspicion. The petitioners have no concern with the alleged illegal mining. No any tractor or commercial vehicles were found or seized in connection with the alleged occurrence. It is further submitted the other co-accused Sudarshan Mehta has already been enlarged on bail by this Court vide order dt. 9.1.2024 passed in Cr. Misc. No. 85050 of 2023.

5. Learned APP appearing for the state has opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a



period of four weeks from today and in the event of their arrest or surrender in connection with Amba P.S. Case no. 172 of 2023, they will be enlarged on bail 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, Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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