

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85547 of 2023

Arising Out of PS. Case No.-492 Year-2023 Thana- KOILWAR District- Bhojpur

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1. Manoj Kumar @ Manoj Rai @ Manoj Kumar Singh Son of Mithlesh Rai Resident of Village - Suarmarwa East , Police Station - Maner, District- Patna.
 2. Nagendra Singh @ Gyani Rai @ Gyami Rai Son of Mithlesh Rai @ Mithlesh Singh Resident of Village - Suarmarwa East , Police Station - Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Department of Mines and Minerals, Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md Ejaz Akhtar, Advocate
For the Opposite Party/s :	Mr. Shyameshwar Dayal, APP
	Mr. Naresh Dikshit, Spl. P.P. Mines
	Mr. Utsav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioners are apprehending arrest in connection with Koilwar P.S. Case No. 492 of 2023, registered on 17.08.2023 for the offences under Sections 379 and 411/34 of the Indian Penal Code and Rule 11, 56(i) and 56(ii) of the Bihar Minerals (C.P.I.M.T.S.) Amendment Rule, 2021 and Sections 4 and 21 of the Mines & Minerals (Development & Regulation) Act, 1957.

3. As per prosecution case, in a drive against



illegal mining of sand, nine Poclain (Excavator) machines were seized and the name of the petitioners transpired along with 27 other named co-accused persons and 10-15 unknown co-accused persons, who were found involved in illegal mining of sand and thus, 5,72000 CFT of the sand was illegally mined.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have not committed any offence. The name of the petitioners came in this case merely on the basis of statement of local Chaukidar without any corroborative material. The petitioners are neither the drivers nor the owners of the Poclain machines seized by the authorities. The petitioners are having clean antecedent.

5. Learned counsel appearing on behalf of the Mining Department opposes the submission made on behalf of the petitioners. Learned counsel submits that huge loss to the Government exchequer was caused due to illegal mining of 5,72,000 CFT of sand.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioners and possibility of false accusation, let the petitioners above



named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court in connection with Koilwar P.S. Case No. 492 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

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