

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3226 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- ANTI District- Gaya

Deepak Kumar Son Of Muneshwar Yadav Resident Of Village- Khaira @
Kaira Ps- Konch, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 279, 323, 332, 333, 353, 342, 379, 411 of the Indian Penal Code and Sections 21 M.M. (D & R) Act, Rule 56(i)(ii) BP (Equality Illegal Mining Transportation) and Prevention of Storage Amendment Act 2021 and Environment Act 1986.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the ground that he is owner of Tractor bearing Registration No. BR 02 GC 1108, which was found involved in illegal mining. It is next submitted that the petitioner was not present at the place of occurrence and from perusal of the allegation as alleged in



the FIR, it would manifest that it was the driver, who was arrested, and the petitioner was completely unaware that the driver was indulging in such illegal mining activities. The learned counsel next submits that petitioner has already deposited Rs. 32,500/- by way of compounding fee in the office of District Mining Officer, Gaya on 17-4-2023, as would be evident from Receipt No. 924 dated 17-4-2023 (Annexure-3 to the anticipatory bail application). The learned counsel thus submits that since the petitioner was not found involved in the occurrence and came to be implicated merely because he is the owner of the tractor, and since the petitioner has deposited the compounding fee as such, he should be given the privilege of anticipatory bail as the petitioner is a person with clean antecedent.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned J.M., Gaya in connection with Aati P.S. Case No. 29 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, learned trial court, before accepting the bail bond of the petitioner shall verify the Receipt No. 924 of 17-04-2023 from the office of the District Mining Officer and in the event, if it is found the Receipt No. 924 dated 17-04-2023 is not genuine in that event the present order shall not be given effect to.

(Satyavrat Verma, J)

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