

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 381 of 2023

Arising Out of PS. Case No.-408 Year-2022 Thana- BHELDI District- Saran

Jay Shankar Kumar S/o Ram Padarath Prasad Singh R/o Mohalla- Chakkar
Road Rasalpur Jilani, P.S.- Kazi Mahmadpur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through The Special Secretary Cum Director, Bihar State Mining Corporation Ltd. The State of Bihar through The Special Secretary Cum Director, Bihar State Mining Corporation Ltd. Room No. 164, Vikas Bhawan, New Secretariate, Bailey Road, Patna-15.
2. The Deputy Director Mines, Chapra.
3. The District Mining Officer, Saran Chapra.
4. The Mining Inspector, Saran, Chapra
5. The District Magistrate, Saran, Chapra.
6. The Superintendent of Police, Saran, Chapra.
7. The S.H.O. Bheldi, P.S.- Saran, Chapra.
8. District Transport Officer(DTO), Saran, Chapra.
9. The Motor Vehicle Inspector(hereinafter referred as M.V.I.), Saran, Chapra.
10. Santosh Kumar, Cluster 11, Dhana Nisarpur P.O. Bikram, Distt- Patna-801104.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Anshu Dhar Sharma, Advocate
For the State	:	Mr.Gyan Prakash Ojha, GA-7
		Mr. Abhinav Ashok, AC to GA-7
For the Mines	:	Mr. Naresh Dikshit, Spl. PP
		Mr. Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. By way of this writ application, the petitioner has
prayed for the following reliefs:-

*“(i) For issuance of a writ(s) direction/s,
order/s in the nature of certiorari for quashing the*



F.I.R. of Bheldi P.S. Case No. 408 of 2022 registered U/Ss 188,379 and 411 of the I.P.C. and Sections 21 of M.M.D.R. Act, 1957, Section 56 Bihar Concession Prohibition damage Act 1919, 15 Bihar Environment Protection Rule 1986.

(ii) Further for issuance of a consequential writ's, order/s, direction/s, in the nature of mandamus for refund/return/ payment of the following amounts:-

(a) Further for refund of Rs. 7500/- (Rupees Seven Thousand and Five Hundred) deposited by the petitioner as fine imposed by the DTO, Saran Chapra from compounding of vehicles by the M.V.I. Saran, Chapra on 15.12.2022 vide E. Challan (Annex-5) with penal interest.

(b) Further for refund of Rs. 263,720/- (Rupees Two Lacs, Sixty Three Thousand Seven Hundred and Twenty only) deposited by the petitioner vide E-challan dated 14.12.22 (Annex-4) as a fine for fare and Rights charges from Mines Licensees and Lease holders Tax with penal interest.

(c) Further for issuance of writ of mandamus to compensate the loss incurred due to illegal confiscation and detention of the 14 wheeler truck of the petitioner without any fault on his part from 10.12.22 at 4.30 A.M. till 24.12.22 i.e. for 15 days @ Rs. 10,000/- per day totaling an amount of Rs. 150,000/- (Rs. One Lac and fifteen thousand only).

(d) Further for issuance of a writ in the nature of mandamus commanding and directing the Respondents to pay Rs. 50,000/- (Rupees Fifty Thousand only) for unnecessary and undue harassment and to meet out the legal expenses in obtaining bail of the petitioner and release of the truck in question.

(e) Further for issuance of a consequential writ in nature of mandamus



commanding and directing the Respondent authorities particularly to Respondent No. 4 and Respondent No. 10 to penalize properly for his malafide action and ulterior motive and to make the payment of aforesaid amount.

3. For the aforesaid reliefs, as prayed by the petitioner, he is given liberty to approach the Superintendent of Police, Saran at Chapra with an application and if the Superintendent of Police, Saran at Chapra finds merit in the application of the petitioner, he will pass appropriate orders in this regard.

4. With the aforesaid observation, this application is disposed of.

5. It is made clear that this Court has not expressed any opinion on the merits of this case and the prayer of the petitioner.

(Sandeep Kumar, J)

P. Kumar

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

