

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13035 of 2025**

Arising Out of PS. Case No.-535 Year-2024 Thana- AMARPUR District- Banka

Rajesh Kumar Ray S/o- Gopal Ray Resident of Hazipur Ratanganj P.S-
Sajour, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP
For the Mines : Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-07-2025 Heard Mr. Dhananjay Kumar Pandey, learned counsel

for the petitioner and Ms. Shruti Singh representing Mines

Department.

2. The petitioner is apprehending arrest in connection
with Amarpur P.S. Case No. 535 of 2024 instituted under
Sections 191(2), 191(3), 190, 126(2), 115(2), 109(1), 132,
303(2), 317(2), 352 o B.N.S.S. Act, 2023 and 27 of Arms Act
and 4(1), 21 MMRD Act, 1957 & Rule 11/41/56(2) of Bihar
Minerals Concession Peruvian of Illegal Mining Transporation
& Storage Rule, 2019 lodged on 09.08.2024 by the informant,
Kumar Ranjan.

3. As per the prosecution story, the informant alleged
that during the raid of Birma Sand Ghat, six tractors loaded with
sand were seized. Though, drivers managed to escape, one



Ganesh Kumar was arrested. The allegation is that later 100-150 people came, armed variously, opened fire damaged the bolero vehicle of Q.R.T. Team. The locals gave the names of 16 persons besides 100-150 unknown one. Some empty cartridges were also recovered/seized. The petitioner is amongst the named accused. The led to the FIR.

4. Learned counsel for the petitioner submits that he being the tractor's owner, got implicated. He had no knowledge about the drivers taking up the illegal sand and only because of criminal antecedent alongwith most of the accused persons have also been named.

5. With the help of two documents issued by the District Mining Office dated 12.12.2024, submission is that the fine amount of Rs.69,233.00 each for the two tractors have been deposited. Further submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

6. Last submission is that if granted relief, the petitioner shall be visiting the Amarpur Police Station (Banka) every day for two hours for a week to do the work as assigned



by the Station Head Officer of the said Police Station and at the end of the week, shall also be planting a sapling in the police station campus.

7. Ms. Shruti Singh representing the Mines though opposes the relief accept the fact that the amount with regard to two tractors have been deposited.

8. Mr. Bharat Bhushan, learned APP represents by State.

9. Taking into account the aforesaid facts as also that the amount for the two tractors have been deposited, as recorded above, number of the persons have been named in the F.I.R., the petitioner included, is ready to diligently appear in trial and further will be visiting the Amarpur Police Station every day for two hours for a week to do the work as assigned by the Station Head Officer of the said Police Station and at the end of the week, shall also be planting a sapling in the police station campus, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

10. Let the petitioner be released on bail, in the event



of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Amarpur P.S. Case No. 535 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Banka subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

11. Mr. Bharat Bhushan, learned APP shall be filing a short reply on behalf of the Station Head Officer, Amarpur, Banka alongwith the document to show the presence of the petitioner for a week in the Amarpur Police Station campus.

12. List this case on 25.07.2025 under the heading “To Be Mentioned” when Mr. Bharat Bhushan, learned APP shall be providing the report.

13. Let his name appear in the cause list.

(Rajiv Roy, J)

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