

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25033 of 2025

Arising Out of PS. Case No.-276 Year-2024 Thana- KOILWAR District- Bhojpur

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1. Ashok Ray @ Ashok Kumar S/O Late Radhika Ray R/O Vill.- Khaspur, P.S.- Maner, Dist.- Patna.
 2. Guddu Kumar Son of Daroga Ray R/O Mohalla.- Char Mazar, P.S.- Maner, Dist.- Patna.
 3. Vikash Kumar S/O Ashok Ray @ Ashok Kumar R/O Vill.- Khaspur, P.S.- Maner, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Chandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP
For the Mines Department : Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 13-08-2025 Heard Mr. Chandan Kumar Singh, learned counsel appearing on behalf of the petitioners; Mr. Satyendra Prasad, learned APP for the State and Ms. Shruti Singh, learned counsel for the Mines Department.

2. The petitioners seek pre-arrest bail in connection with Koilwar P.S. Case No. 276 of 2024 registered for the offence(s) punishable under Sections 406, 420, 467, 468, 471,



120(B) of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners No. 1 and 3 were engaged in illegal mining of sand in which alleged truck bearing registration No.HR55L2033 belonging to the petitioner no.1 (Ashok Ray) and another truck bearing registration No.BR01GJ4056 belonging to the petitioner no.3 (Vikash Kumar) were used. Allegation against the petitioner no.2 is that he has furnished the E-challan on behalf of the petitioners no.1 and 3, who are the owners of the respective trucks.

4. Learned counsel appearing on behalf of the petitioners referring to BTC-4 challan for a sum of Rs.60,500/- generated in respect of truck bearing Registration No. HR55L2033, belonging to the petitioner no.1 and another BTC-4 challan for a sum of Rs.60,500/- generated in respect of truck bearing registration No. BR01GJ4056, belonging to the petitioner no.3, points out that due to mistake on part of the petitioners, name of the Department, as would appear from the E-Challan, in which the said amount has been deposited, as Transport Department and not in the name of Mines and Geology Department, which has led to non-release of trucks and implication of the petitioners in the present case. He further



submitted that petitioners are innocent and sub-rule 2 of Rule 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (hereinafter referred to as “Rules, 2019) provides for compounding of the offence. Admitting the said mistake, the petitioners seek to deposit a fresh compounding fee in the account of the Mines and Geology Department, Government of Bihar, so that they cannot face the criminal prosecution in view of the offence being compoundable.

5. Learned counsel for the Mines Department and learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, I find that the petitioners have made out a case for compounding of the offence in accordance with the provision of Rule 56 (2) of Rule 2019, considering the fact that due to inadvertent mistake, the amount of Rs.60,500/- each was deposited by petitioners no.1 and 3 in the account of Transport Department, Government of Bihar, while it was required to be deposited in the account of Mines and Geology Department, Government of Bihar. In that view of the matter, the petitioners may produce fresh challan in respect of the deposit having been



made in the account of Mines and Geology Department, Government of Bihar at the time of furnishing of bail bond. The petitioners have prima facie made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of **six weeks** from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 276 of 2024, **subject to the condition that at the time of furnishing bail bond, the petitioners must produce the E-challan generated on the Government of Bihar official site, being BTC-4 for having generated in lieu of deposit of compounding fee as admitted by the Mining Department of Mines and Geology, Government of Bihar** and the subject to the further conditions as laid down under Section 482(2) of the BNSS.

8. Petitioners no.1 and 3 would be at liberty to make proper application before the concerned department for returning a sum of Rs.60,500/- each from the Transport



Department in the manner prescribed in accordance with law.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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