

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19001 of 2025**

Arising Out of PS. Case No.-209 Year-2024 Thana- FATUA District- Patna

=====

Vishal Shekhar @ Vishal Shanker S/O Mahendra Singh R/O Holding No. 92,  
Kagzi Mohalla, Police station- Bihar Sharif, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**  
For the Petitioner/s : Mr. Rajeev Nayan, Advocate  
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      16-04-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Fathua P.S. Case No. 209 of 2024 dated 03.04.2024, instituted  
for the offence punishable under Sections 379 & 411 of the  
Indian Penal Code.

3. The prosecution case, in short, is that on  
03.04.2024, the informant received telephonic information at  
about 01:00 A.M. that Fathua Police conducted raid near  
Kismariya village and apprehended vehicles involved in illegal  
Mining and Transportation of soil from Falgu River. The seized  
vehicles were kept near SDPO office, Fathua. Getting this  
information, the informant along with deputed police personnel



reached near the place of occurrence for physical inspection. In physical inspection, the Bank of Falgu River was found damaged and fresh excavation due to illegal mining was found and its perimeter was 110 ft long x 25 ft wide x 10 ft deep. Approximately 27500 cubic ft. soil was found stolen. The vehicles involved in illegal mining and transportation kept under Fathua Police Station are (1) Pokclen excavator Tata Hitachi Company. By this Pocklen approximately 27500 cubic ft soil was stolen and for this Rs. 642675 + Compounding fees 4 lakhs i.e. Total- Rs. 10,42,675/- was fined (2) Truck (Hywa) ten wheeler, on its trailor 25 cubic ft soil was found loaded. Both the vehicles were seized.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is the owner of Pokelin (Bachinoe Exconator) Tata Hitachi (Company) Orange Jax Model- Ex210LC54PER Machine- SP 21 -46682. The petitioner used to ply his vehicle on hire basis to Truck owners and contractors and in this case one Suraj Singh of Village- Prasi, P.O.- Bhagan Bigha, P.S.- Noor Sarai, District- Nalanda had hired his vehicle. It is next submitted that petitioner was not arrested at the spot. Petitioner had no knowledge about the said



illegal mining done by his vehicle which he had given to said Suraj Singh on rental basis. It is further stated that the FIR has not been registered under the provisions of illegal mining rather the same has been registered under Sections 379 and 411 of the I.P.C. Petitioner is not the owner of Truck, which has been seized by the police officials. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of eight weeks from today, in connection with Fathua P.S. Case No. 209 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- II, Patna City, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. The petitioner shall deposit 50% of the fine imposed on Pokelin (Bachinoe Exconator) Tata Hitachi (Company) Orange Jax Model- Ex210LC54PER Machine- SP



21 -46682 before furnishing bail bond.

**(Khatim Reza, J)**

Sankalp/-

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