

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34385 of 2025**

Arising Out of PS. Case No.-347 Year-2024 Thana- DORIGANJ District- Saran

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Anil Kumar Rai, aged about 58 Yrs (Male) S/O Shiv Jee Prasad Rai, R/O village- Nayatola, Bishunpura, P.s.- Chapra Mufassil, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Mine Development Officer Saran at Chapra.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr.Vijay Kumar, Advocate         |
| For the Opposite Party/s | : | Mr.Uma Shankar Prasad Singh, APP |
| For the Mines            | : | Mr. Naresh Dikshit, Advocate     |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

4      16-09-2025                      Heard   learned counsel appearing on behalf of the  
  
petitioner, learned APP for the State and learned counsel for the  
  
Mines.

2. The petitioner seeks pre-arrest bail in connection  
with Doriganj P.S. Case No. 347/2024 registered for the  
offence(s) punishable under Sections 303(2), 317(2) and 3(5) of  
the BNS.

3. As per the allegation made in the FIR, one truck  
was seized loaded with yellow sand. No permit was produced  
with respect to the said sand.

4. Learned counsel appearing on behalf of the  
petitioner submitted that offence is compoundable under Section  
56(2) of the Bihar Minerals (Concession, Prevention of Illegal



Mining Transportation and Storage) Amendment Rules and seeks to deposit the amount of compensation in accordance with the provision of the said Section.

5. 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 parties, as well as, the provision of Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules, the petitioner is directed to submit the compounding fee, as well as, the amount of penalty, if any, before the District Mining Officer concerned. The District Mining Officer, after being satisfied, is directed to issue certificate to the extent that the offence has been compounded after the petitioner has deposited the required amount of penalty. The above exercise is required to be carried out within a period of four weeks from the date of passing of the this order. The District Mining Officer or competent authority-cum-District Magistrate must not delay to act upon on or before the expiry of four weeks and communicate the same to the learned District Court within the said period. **During the time taken in process, no coercive action is required against the petitioner.** Thereafter, the petitioner, above named, is directed



to be released on pre-arrest bail, in the event of his arrest or  
surrender before the learned District Court and producing of  
the acknowledgment of compounding fee deposited and on  
furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)  
with two sureties of the like amount each to the satisfaction of  
learned J.M. Saran at Chapra in connection with Doriganj P.S.  
Case No. 347/24, subject to the conditions as laid down under  
Section 482(2) of the BNSS.

7. The bail application stands disposed of.

**(Purnendu Singh, J)**

Sanjay/-

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