

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40940 of 2025

Arising Out of PS. Case No.-439 Year-2021 Thana- TEKARI District- Gaya

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1. Shobha Devi Wife of Kamta Paswan @ Kamta Prasad Resident of Village - Kaladaspur, Churi, P.S.- Tekari, District - Gaya.
 2. Kamta Paswan Son of Munnilal Paswan Resident of Village - Kaladaspur, Churi, P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines and Minerals Department through District Mining Office, Gaya.
District Mining Office, Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Mines Dept.	:	Ms. Shristhi Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-07-2025 Heard Mr. Pritish Kumar Lal, learned counsel appearing on behalf of the petitioners; Mr. Kumar Veerendra Narayan, learned APP appearing on behalf of the State and Ms. Shristhi Singh, learned counsel appearing on behalf of the Mines Department.

2. The petitioners apprehend their arrest in connection with Tekari (Panchanpur O.P.) P.S. Case No. 439 of 2021 registered under Sections 379 and 411 of the Indian Penal Code and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, under Section 11 and 18 of the Bihar Minerals (Concession, Prevention of illegal Mining,



Transportation and Storage) 2019 and under Section 56 of the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) 2021.

3. As per the allegation made in the FIR, the petitioners were not able to produce valid documents for two tempos, loaded with around 40-40 C.Ft. sand, one bearing registration no.BR02-PB-4026 and another one was not bearing any registration number.

4. Ms. Shristhi Singh, learned counsel appearing on behalf of the Mines Department submits that the offence is compoundable and the petitioners can be released on pre-arrest bail subject to payment of the compounding fee in accordance with the provision of Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 (hereinafter referred to as “Rules, 2019).

5. Learned counsel appearing on behalf of the petitioners has no objection and he seeks to avail remedy before the District Mines Officer in accordance with the Rules, 2019.

6. Considering the nature of crime and the same is compoundable, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of three weeks



from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VIth, Gaya in connection with Tekari (Panchanpur O.P.) P.S. Case No. 439 of 2021, **subject to furnishing of the receipt showing payment of the compounding fee, which has been assessed by the Mines Officer having jurisdiction** and subject to the condition as laid down under Section 482(2) of the BNSS.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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