

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40694 of 2025

Arising Out of PS. Case No.-175 Year-2024 Thana- PIRO District- Bhojpur

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Bahadur Kumar, S/O Rajendra Singh, R/o village- Esadhi, P.O.-
Babhniyawar, PS- Jagdishpur, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-07-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. The petitioner apprehends his arrest in connection
with Piro P.S. Case No. 175 of 2024 dated 25.04.2024 registered
under Sections 379, 411/34 of the Indian Penal Code
3. As per the prosecution case, on 25.04.2024, the
police intercepted a 12 wheeler truck on which the sand was
loaded. The driver of the truck fled away after leaving the truck
along with sand which was seized by the police. It has been
alleged in the FIR that the owner and driver of the truck loaded
the sand on the truck which was illegally mined/extracted.
4. Learned counsel for the petitioner submits that the
petitioner is the owner of the truck and at the time of
occurrence, the driver was driving the truck and the petitioner



was unaware about the illegal sand loaded by the driver. In the FIR, the quantity of the yellow sand has not been disclosed. Petitioner is ready to pay the compounding fee as well as cost of sand assessed by the Mining Officer/ Assistant Mining Officer.

5. Regard being had to the submissions made by the parties, taking into consideration the provision of the Rule 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021, in which the compounding fee has been fixed along with cost of the mineral, I am inclined to grant anticipatory bail to the petitioner, subject to the payment of cost of the sand and compounding fee before the Mining Officer/Assistant Mining Officer within a period of one month from today. The Mining Officer shall assess the cost of the sand loaded on the truck of the petitioner and allow the petitioner to deposit the value assessed along with the compounding fee.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the



satisfaction of learned A.C.J.M. 8th, Bhojpur at Ara in connection with Piro P.S. Case No. 175 of 2024, subject to the conditions (i) as laid down under Section 482 (2) of the B.N.S.S., 2023. (ii) the petitioner shall produce the receipt granted by the Mining Officer/Assistant Mining Officer showing deposit of compounding fee as well as cost of the minerals as assessed by the Mining Officer/Assistant Mining Officer.

8. The petitioner shall be at liberty to pursue the compounding before the concerned authority as per law who shall decide claim of the compounding submitted by petitioner on its own merit. However, the money deposited by the petitioner and condition of bail shall be taken into consideration for deciding the claim of the petitioner for compounding.

(Anil Kumar Sinha, J)

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