

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45084 of 2025

Arising Out of PS. Case No.-324 Year-2023 Thana- KOILWAR District- Bhojpur

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Pawan Kumar Gupta Son of Chhotu Ram Gupta R/o Tham, P.S.- Chandwara,
Distt.- Koderma (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Chandan Kumar, Mines Inspector, Arrah, District Mines Office, Arrah,
Distt.- Bhojpur. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewanand Tiwari, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-07-2025 Heard Mr.Dewanand Tiwari, learned counsel for

the petitioner, learned counsel for the Mines Department and

Mr.Sanjay Kumar Singh, learned Additional Public Prosecutor

for the State.

2. The petitioner is apprehending his arrest in
connection with Koilwar P.S. Case No.324 of 2023, FIR dated
05.06.2023 registered for the offences punishable under
Sections 379, 411, 34 of the Indian Penal Code and Sections 11,
56(1), 60(3) of the B.M.(CPIMTS) Amendment Rule 2021 and
Sections 4 and 21 of M.M.(D.R) Act, 1957.

3. The petitioner is alleged to have been found
involved in illegal mining and transportation of sand with the



help of Poclain machine causing loss to the government.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated. Although the petitioner is owner of the Poclain machine which he has purchased from one Umesh Rana on 01.06.2022. Thereafter, the petitioner has entered into an agreement with one Guddu Kumar and he has given the Poclain machine on 01.08.2022 and the petitioner has already produced rent agreement to the prosecution but he has not honoured the same.

5. Learned counsel for the Mines Department, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it appears from the FIR that Poclain machine of the petitioner was used in the present crime in question and apart from that, agreement of Guddu Kumar with the petitioner suggests that the petitioner has received the monthly rent from Guddu Kumar.

6. Considering the aforesaid facts, petitioner has clean antecedent and he has given the Poclain machine aforesaid on rent to one Guddu Kumar since 01.08.2022, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Arrah in connection with Koilwar P.S. Case No.324 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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