

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48799 of 2025

Arising Out of PS. Case No.-632 Year-2024 Thana- HISUWA District- Nawada

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1. Chunnu Singh S/O Late Kailash Singh R/o Village - Oraina, P.S - Mufassil, District - Nawadah
 2. Rowins Kumar @ Rauvins Kumar S/O Pawan Prabhas R/O Village-Bhadseni, PS-Hisua, Distt-Nawadah

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Special P.P., Mines and Mineral, Govt. of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Opposite Party/s	:	Mr. Tapeswar Sharma
For the Mining Dept.	:	Mr. Naresh Dikshit
		Ms. Kalpana

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-08-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Hisua Police Station Case No. 632 of 2024, dated 20.10.2024, disclosing offences punishable under Sections 305(e)/317(2)/3(5) of the Bhartiya Nyaya Sanhita.

3. The prosecution case, as per the First Information Report, is that on 20.10.2024, the police, while patrolling, received secret information that some persons were doing illegal sand mining from river in village Belaru. When the police reached at the place of occurrence, they saw that one tractor,



loaded with sand, was leaving and one tractor was being loaded with sand. Upon seeing the police party, the driver of the loaded tractor fled away leaving the tractor behind, whereas, the driver, along with another, of empty tractor managed to flee away with the tractor despite chase. On search, about 100 CFT of illegal sand was found from the Messy Ferguson tractor, bearing Registration No. BR27GA0185.

4. Learned counsel for the petitioners submits that the petitioners are not named in the First Information Report and during course of investigation the their names have transpired. He next submits that the petitioner no. 1 is the owner and petitioner no. 2 is driver of the tractor, in question. He further submits that the petitioners are ready to pay the compounding fee as well as the cost of sand before the Mining Officer/Assistant Mining Officer.

5. As per Rule 56 (2) of the 2021 Amendment Rules, the compounding fee of Rs. 25,000/- has been fixed along with the cost of mineral. Since, the tractors/trailer was loaded with 100 CFT of sand, the value of which would be at least Rs. 12,000/-.

6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the provision



of the Rule 56 (2) of the 2021 Amendment Rules, I am inclined to grant the petitioners privilege of anticipatory bail, subject to deposit of Rs. 37,000/- (Rs. 25,000 as compounding fee and Rs. 12,000/- as cost of sand) by the petitioner no. 1, who is the owner of the tractor, before the Mining Officer/Assistant Mining Officer, within a period of three weeks from today.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Hisua Police Station Case No. 632 of 2024, subject to the conditions (i) laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023, and (ii) the petitioners will produce an acknowledgment receipt granted by the Mining Officer showing deposit of Rs. 37,000/- (Rupees Thirty Seven Thousand) at the time of furnishing of bail bonds.

9. The money deposited by the petitioners shall be without prejudice to the value of the sand.

10. The petitioners shall be at liberty to pursue the



compounding before the concerned authority as per law who shall decide claim of compounding on its own merit.

11. However, the money deposited by the petitioners as condition of bail shall be taken into consideration for deciding the claim of the petitioners for compounding.

(Anil Kumar Sinha, J)

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