

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73723 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Amarjeet Kumar Son of Yadu Nandan Singh Resident of Village- Singhia
Khurd, P.S.-Karpurigram, District- Samastipur (owner of Tipper (Hywa)
bearing registration number BR33GB-5191)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Brajesh Kumar Singh, Advocate.
For the State : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Muffasil P.S. Case No. 208 of 2024 dated
16.06.2024 registered for the offences punishable under
Sections 379, 411, 420 of the Indian Penal Code read with
Section 56(2) of the Bihar Minerals (Concession, Prevention of
Illegal Mining, Transportation & Storage) Rules, 2019.

3. As per allegation, four vehicles; two tippers, one
tractor and one JCB were found standing near the river *Budhi*
Gandak. All these vehicles were also damaged by enraged
public on account of road accident. It is also alleged that at the
place of seizure of the vehicles, there is one mining site



measuring 50' x 45' x 7'. It is further alleged that mining of sand without any permit is illegal and causes revenue loss to the Government. But it is stated in the written report that no minerals was loaded in the vehicles.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the written report of the Mines Inspector, no mineral was loaded in the vehicle nor is any allegation that they have seized minerals unloaded from the vehicles in question. At most these vehicles were found to be standing near the mining site. There is not even allegation that any minor minerals was lying besides the vehicles. At most, as per the allegation, there may be preparation on the part of the accused persons for committing illegal mining but, as per the allegation, it does not transpire that they have committed any illegal mining or transporting of minerals. As such, no offence is made out. Preparation for committing offence of illegal mining is not punishable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the



bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. In view of the fact that as per allegation, no offence is made out except preparation for committing offence of illegal mining or transporting, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Samastipur, in connection with Muffasil P.S. Case No. 208 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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