

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78926 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- KOILWAR District- Bhojpur

Ram Singh @ Sri Ram Singh Son of Late Jagarnath singh Resident of village-
Phuhan, P.S- Barahara, Distt.- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer Bhojpur, District- Bhojpur, Ara

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Uday Kumar, Adv.
For the Opposite Party/s :	Mr. Ashok Kumar Singh, APP
For the Mining Department:	Mr. Naresh Dikshit, Adv. Ms. Kalpana

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Koilwar P.S. Case No. 238 of 2024 dated 22.05.2024, instituted
for the offence punishable under Sections 379, 411 and 353 of
the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence the informant got information about illegal
mining in Kamaluchak Diyara and when the informant reached
there he saw a tractor loaded with illegal sand and upon seeing
the police party, the driver of the tractor tried to escape but
during chase the driver of the tractor was apprehended by the



police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is the owner of the seized green colour Tractor bearing Reg. No. BR04GA-7302, Engine No. PY3029D523757 and Jhon Deere Chassis No. 1VY5036DLKA007733. It is submitted that the petitioner has neither been arrested from the spot nor has been seen on the place of occurrence. The petitioner being the owner of the tractor, has been made accused in this case. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. and learned counsel for the Mining Department have opposed the prayer for bail of the petitioner. Learned counsel for the Mining Department submits that the petitioner is the owner of the said loaded Tractor with 100 CFT yellow sand without valid *challan* and the same has caused loss of Rs. 35,625/- to the public exchequer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Koilwar P.S. Case No. 238 of 2024, he shall be released on anticipatory bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur at Ara, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also subject to the payment of fine of Rs. 35, 625/- by the owner of the tractor with the Mines Department. The petitioner shall produce the receipt of payment of fine of Rs. 35, 625/- in the Court below at the time of furnishing bail bond. The Court below shall also ensure that the owner of the concerned tractor must deposit the fine amount with the Mines Department before releasing him on bail.

(Khatim Reza, J)

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