

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76749 of 2024

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

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1. Lakshmi Singh W/O Anjani Kumar Singh R/o Singhia Khurd, P.s.- Karpurigram, Distt.- Samastipur, Bihar The owner of Tipper/Hywa bearing registration no. BR 09GA 9086
 2. Anjani Kumar Singh S/o Bhubaneshwar Prasad Singh R/o Singhia Khurd, P.s.- Karpurigram, Distt.- Samastipur, Bihar The owner of the JCB bearing registration no. BR 31G 8325, and the owner of the tractor bearing registration no. BR 33GA 3433

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines and Geology Department, State of Bihar Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan Dixit
Mr. Surabhi Suman
For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-08-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the Mines Department.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 379, 411, 420 of the Indian Penal Code and Rule 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation, and Storage) Rules.

3. The allegation in the first information is that an accident was caused by one white vehicle loaded with sand and



it was found that an angry mob had damaged the vehicles out of which 3 of the vehicles belonged to these petitioners. It has been alleged that these vehicles were involved in carrying sand unauthorizedly and hence, revenue loss has been caused to the Mines Department.

4. Learned counsel for the petitioners submits that the FIR itself would indicate that an accident had taken place at the place of occurrence by a vehicle which did not belong to the petitioners and subsequently the mob indulged in damaging the other vehicles. It is further submitted that the petitioner no. 1 and 2 are both wife and husband and also owners of one Hywa, JCB and a tractor. It is also a fact that nothing was recovered from the vehicles of the petitioners and the authorities in collusion with some others falsely implicated the petitioner and also seized the vehicle. It is thus submitted that on account of non-recovery of any sand from the vehicle, Rule 56 (2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation, and Storage) Rules is not attracted. Further, the petitioner no. 2 also gave representation to the S.P., Samastipur against the present informant with regard to his highhandedness. Further, petitioner no. 1 has no criminal antecedent and petitioner no. 2 has two criminal antecedent but not of similar



nature and he is on bail in both the cases.

5. Learned counsel for the Mines Department, however, opposes the grant of anticipatory bail and has also filed a counter affidavit to show that a penalty amounting to Rs. 8,61,230/- would be recoverable from all these four vehicles.

6. Taking into consideration the rival contentions including the fact that no recovery of sand was made from these vehicles and the involvement of the vehicle of these petitioners in the accident as also in carrying the sand seems to be doubtful, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Samastipur Muffasil P.S. Case No. 208 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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