

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79736 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- BHELDI District- Saran

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1. Suraj Kumar Son of Jitendra Prasad R/o Village- Chak Chechaul, Police Station- Naubatpur, District- Patna (Bihar)
 2. Shiv Kumar Son of Ramjag Tiwari R/o Village- Chandra Shekhar Aajad Nagar, Police Station- Babhnan, District- Basti (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Security Mines and Minerals Deptt. of Mining Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashad, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-04-2025 Heard Mr.Ashad, learned counsel for the petitioners,

learned counsel for the Mines Department and Mr.Nand

Kishore Prasad, learned Additional Public Prosecutor for the

State.

2. The petitioners are apprehending their arrest in
connection with G.R. No.631 of 2024 arising out of Bheldi P.S.
Case No.26 of 2024, FIR dated 22.01.2024 registered for the
offences punishable under Sections 379,411,188 of IPC and
Section 21 of Mines Act and Sections 11,56 of Mines and
Minerals Act.

3. The prosecution story in brief is that on 22.01.24,
during a surprise inspection visit against illegal mining and



storage, an overloaded vehicle was stopped for challan checking, then the driver, on seeing the police force, left the vehicle and ran away. The vehicle was seized. The driver and owner of the vehicle were illegally loading sand and stones and selling the stolen sand by overloading it without challan.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Learned counsel for the petitioners submits that the petitioners had already deposited Rs. 1,60,500/- (One Lac Sixty Thousand Five Hundred) as a penalty for violation of Motor Vehicles Act before the District Transport Officer and as per penalty with respect to mineral concerned, the petitioners are liable to pay Rs.3,38,060/- (Three Lacs Thirty Eight Thousand and Sixty) before the District Mining Officer. Learned counsel, on instruction, fairly submits that the petitioners are ready to deposit the aforesaid amount in three equal installments.

5. Learned counsel for the Mines Department has no objection in this regard.

6. Considering the aforesaid facts and petitioners have clean antecedent, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Saran in connection with G.R. No.631 of 2024 arising out of Bheldi P.S. Case No.26 of 2024, 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) At the time of furnishing bail bond, the petitioners shall produce a demand draft of Rs. 1/3rd of the aforesaid amount in favour of the District Mining Officer, Saran, Chapra and the learned court below is directed to hand over the said demand draft to District Mining Officer, Saran, Chapra or his representative and rest amount shall be paid within a period of two months thereafter. If the petitioners fail to pay the aforesaid dues amount before the District Mining Officer, Saran, Chapra the District Mining Officer, Saran, Chapra shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioners.

(II) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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