

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81813 of 2024**

Arising Out of PS. Case No.-86 Year-2024 Thana- Safiyasarai District- Munger

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1. Bobby Devi @ Boby Devi W/o Sri Sanjay Kumar Yadav R/o Village-Khiradharpur, P.S- Jamalpur, District- Munger.
  2. Uday Kumar Yadav S/o Satyanarayan Yadav R/o 1069, M.G. Road, Hatkhola, Kolkatta (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Inspector, Munger in the office of District Mining Officer, Munger. Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Jha, Advocate |
| For the Opposite Party/s | : | Mrs. Pushpa Sinha.1, APP     |
| For the Mines Dept.      | : | Mr. Naresh Dikshit, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      28-04-2025                      Heard Mr. Ajay Kumar Jha, learned counsel for the petitioners, Mr. Naresh Dikshit, learned counsel appearing for the Mines Department as well as Mrs. Pushpa Singh.1, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Safiasarai P.S. Case No. 86 of 2024, F.I.R. dated 26.08.2024 for the offences punishable under Sections 303(2) abd 317(2) of the Bhartiya Nyaya Sanhita, 2023, Section 21 of the MMDR Act and Rule 56(1)(2) of Bihar Mineral (Concession, Prevention of Illegal Mining Transporation and Storage) Rule, 2019.



3. According to prosecution case, the vehicle of the petitioner no. 1 carrying stone chips was seized along with the petitioner no. 2 who was driver of the said vehicle where on demand, the driver of the vehicle could not produce any valid chalan and documents for the said stone chips, however, driver managed to escape from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the petitioner no. 1 is the owner of the vehicle and petitioner no. 2 is the driver of the said vehicle in question. Allegation against them is that they have not produced valid chalan at the time of inspection and they carried stone chips without any valid chalan.

5. Learned counsel for the petitioners on instruction fairly submits that the petitioners are ready to deposit fine in tune of Rs. 2,85,000/- (Two lakhs and eighty five thousand only) at the time of furnishing bail bond.

6. The learned counsel appearing on behalf of the Mines Department as well as learned Additional Public



Prosecutor have vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 the learned Chief Judicial Magistrate, Munger in connection with Safiasarai P.S. Case No. 86 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall furnish a demand draft of Rs.2,85,000/- (Two lakhs and eighty five thousand only) in favour of the District Mines Officer, Munger and the same shall be deposited at the time of furnishing bail bond and the learned Court is directed to hand over the said demand draft to the District Mines Officer, Munger or his representative.

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 tampers 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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