

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85560 of 2024

Arising Out of PS. Case No.-535 Year-2024 Thana- AMARPUR District- Banka

- 1. Chandan Sah @ Chandan Kr. Sah Son of Bale Sah Resident of Village - Hajipur, Police Station - Sajour, District - Bhagalpur
- 2. Sonu Kumar @ Sonu Kumar Sah @ Sonu Kumar Singh Son of Bale Sah Resident of Village - Hajipur, Police Station - Sajour, District - Bhagalpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Assistant Director, Mines and Geology Department, Banka Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 86097 of 2024

Arising Out of PS. Case No.-535 Year-2024 Thana- AMARPUR District- Banka

- 1. Manish Kumar Singh @ Manish Kumar S/o Ashok Prasad Singh R/o village- Hajipur, Police Station- Sajour, District- Bhagalpur
- 2. Himansu Kumar @ Makhan Lal @ Makhan Kumar @ Makhan Singh S/o Santosh Mahto R/o vill - Kamalpur, P.S. - Sajour, distt.- Bhagalpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Assistant Director, Mines and Geology Department, Banka Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 85560 of 2024)
For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP
For the Mines & Geo. Dept: Mr. Naresh Dikshit, Advocate
Ms. Kalpana, Advocate
(In CRIMINAL MISCELLANEOUS No. 86097 of 2024)
For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP
For the Mines & Geo. Dept: Mr. Naresh Dikshit, Advocate
Ms. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-01-2025 1. Heard learned counsel for the parties.



2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Amarpur P.S. Case no. 535 of 2024 registered under sections 191(2), 191(3), 190, 126(2), 109(1), 132, 303(2), 317(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, section 27 of the Arms Act, sections 11, 41 and 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and sections 4(i) and 21 of the Mines and Minerals (Development and Regulation) Act.

3. As per the prosecution case, six tractors loaded with illegally mined sand having been intercepted, the drivers of the vehicles managed to flee, however one of the drivers namely Gangesh Kumar was caught. A total of 14,100 cubic feet of illegally mined sand was seized. It is further stated that it was at this stage that 100-150 persons started pelting bricks and stones on the informant party and also resorted to firing from their pistols on the inquiry team.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. All the four petitioners, as per the F.I.R, were identified amongst the persons who resorted to pelting of stones and firing. It is submitted that



the petitioners have been falsely implicated in the case at the instance of their enemies. They are neither the owner of the vehicles nor do they have any concern with any of the seized tractors or trailers alleged to be carrying illegally mined sand. The cause of false implication of the petitioners is their antecedent. Co-accused Pramod Kumar Singh and two others have been enlarged on anticipatory bail vide order dated 26.11.2024 passed in Cr. Misc. no. 79173 of 2024

5. The application for bail is opposed by learned APP for the State and learned counsel for the opposite party no. 2. Learned counsel for the opposite party no. 2 submits that not only the petitioners are named in the F.I.R but there is direct allegation against them of having attacked the police personnel by resorted to pelting of stones and firing. The petitioners have antecedents of similar nature from before. In the instant case, a total of 14,100 cubic feet of illegally mined sand was seized causing loss of Rs. 15,23,125/- to the public exchequer. It is not a case for grant of anticipatory bail. Learned counsel finally submits that Manish Kumar Singh @ Manish Kumar and Chandan Sah @ Chandan Kr. Sah are involved in several cases of similar nature.

6. Having heard learned counsel for the parties and



taking into consideration the allegations in the F.I.R, the submissions made by learned counsel for the petitioners and grant of anticipatory bail to similarly situated co-accused vide aforesaid order dated 26.11.2024, it is directed that all the four petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Amarpur P.S. Case no. 535 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka.

(Partha Sarthy, J)

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