

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86855 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- LAUKAHA District- Madhubani

Md. Meraj @ Md. Meraj Alam S/o Lal Mohamad, R/o Village- Bandarjhuli,
P.S.- Laukaha, District- Madhubani.

... .. Petitioner

Versus

1. The State of Bihar.
2. Mines and Mineral Deptt., Madhubani, Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Mrityunjay Jha, Advocate
For the Mines Deptt.	:	Mr. Naresh Dikshit, Spl. PP
		Mr. Brij Bihari Tiwari, Advocate
For the State	:	Mr. (Dr.) Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2025 Heard Mr. Mrityunjay Jha, the learned counsel for the petitioner, Mr. Naresh Dikshit, the learned counsel appearing on behalf of Mines Department and Mr. (Dr.) Ajeet Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with G.R. Sl. No. 695 of 2024, arising out of Laukaha PS Case No. 103 of 2024, FIR dated 16.05.2024, registered for the offences punishable under Sections 379, 353 and 504 of the Indian Penal Code and under Section 56(2) of Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Rule, 2019 and also under Section 4 and 21 of M.M.D.R. Act, 1957.



3. According to the prosecution case, after receiving confidential information regarding illegal mining of white sand near N.H.- 27 bridge, the informant along with other personnel conducted a raid due to which all the drivers fled away leaving behind one tractor and when the raiding team tried to seize the same, forty to fifty local people stopped the raiding team and one local driver took away the said tractor.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that name of petitioner transpired on the basis of information provided by local chowkidar. He further submits that petitioner has no concern at all either with the alleged recovery of the sand in question or the tractor in question.

5. The learned counsel for the Mines Department as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries five criminal antecedents other than the present.

6. Considering the aforesaid facts and circumstances and mainly the fact that name of petitioner transpired on the basis of information furnished by local chowkidar, let the



petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jhanjharpur (Madhubani), where the case is pending in connection with **Laukaha PS Case No. 103 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

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

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed



his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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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