

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44021 of 2015

Arising Out of PS.Case No. -16 Year- 2013 Thana -CHANAN District- LAKHISARAI

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1. Govind Kumar, S/o Bipin Singh R/o Village- Badhpur, P.S. Marachi, District- Patna.
 2. Dhananjay Pandey, S/o Late Manohar Pandey R/o Village- Malpur, P.S. Marachi, District- Patna.
 3. Shib Shankar Singh @ Shiv Shankar Singh, S/o Late Kedar Singh, R/o Village- Phulelpur, P.S.- Athamalgola, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajnish Chandra, Advocate.

For the Opposite Party : Mr. Sanjay Kr.Panday, (App).

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 18-12-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 403, 406, 420, 467, 468, 472, 379, 414 and 120B of the Indian Penal Code, under Sections 4, 40 of the Bihar Minor and Mineral Concession Rule, 1972 and under Sections 4/5 of Prevention of Illegal Transportation Storage Rule.

The petitioners are driver of the tractor. The tractors were intercepted while carrying sand from the riverbed of Kieul in the district of Lakhisarai.

Learned counsel for the petitioners submits that the petitioners were carrying the sand from the riverbed situated in the district of Jamui. It is further submitted that similarly situated co-

accused Ashok Kumar Singh @ Ashok Singh has already been granted anticipatory bail vide orders passed in Cr. Misc. No. 40967 of 2015. But from perusal of the record it appears that Ashok Kumar Singh @ Ashok Singh was not named in the FIR. He was agent of Maha Singh in whose favour the sand from riverbed of Kiul situated in the district of Jamui was settled. The petitioners were the driver of the tractor.

Shri Rajendra Prasad, the learned counsel appearing on behalf of mines and minerals department has submitted that the petitioners have got no permit for carrying the sand.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, their prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

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