

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35807 of 2016**

Arising Out of PS.Case No. -29 Year- 2016 Thana -JAMHORA District- AURANGABAD

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1. Ram Bachan Singh Son of Deoraj Singh Resident of Village- Chandar Bigha, P.S. Barun District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      05-09-2016                      Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379,411,420 and 406/34 of the Indian Penal Code and sections 3,4 and 5 of Bihar Minerals (Prevention of illegal mining, transportation and storage) Rules 2003.

The prosecution case is that the tractor of the petitioner was intercepted loaded with sand when the driver escaped from the scene.

It is submitted by the learned counsel for the petitioner that the sand was being carried on valid challan. More over, there is nothing on record that the petitioner being owner was present at the tractor at the time of seizure. Statement has been made in

paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for four months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad in connection with Jamhore P.S. Case No. 29 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on verification of the fact that the sand was being carried on valid permit but if it is found that the sand was not being carried on valid permit then the petitioner will surrender and pray for regular bail.

**(Dinesh Kumar Singh, J)**

Anil/-

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