

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28019 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -GOVINDPUR District- NAWADA

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1. Balmiki Prasad, son of Babu Charan Prasad, resident of Village Mahugayan, P.S. Govindpur, District Nawada.
 2. Nirmal Prasad @ Nirmal Prasad Yadav, son of Bishun Prasad, resident of Village Thali Khurd, P.S. Govindpur, District Nawada.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 15-07-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners are accused in connection with Govindpur P.S. Case No. 34 of 2016, registered under Section 379 of the Indian Penal Code and Section 40 of Bihar Minor Mineral Concession Rule, 1972 Section 8 of Bihar Mineral (Illegal Mining Transportation, Storage & Disposal) Rules, 2003.

The accusation is that there was restriction of extracting and carrying the sand till further order of the State Government, but both the petitioners were found carrying the sand through their tractors without Mineral Transport Challan in

contravention of Rule 40 of Bihar Minor Mineral Concession Rule, 1972 read with Section 8 of Bihar Mineral (Illegal Mining Transportation, Storage & Disposal) Rules, 2003.

Learned counsel for the petitioners submits that, in fact, the petitioners were carrying the soil after digging the same nearby river for filling the ditch near the temple and in misconception, both the petitioners have falsely been implicated in this case. Further submission is that both the petitioners have no criminal antecedent are in custody since 17.05.2016.

Having regard to the facts and the circumstances of the case, the petitioners, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada in connection with Govindpur P.S. Case No. 34 of 2016.

(Rajendra Kumar Mishra, J.)

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