

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55342 of 2016

Arising Out of PS.Case No. -74 Year- 2016 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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Bindyachal Prasad @ Bindyachal Prasad Rai @ Bindhyachal Prasad, son of
Late Shiv Prasshan Prasad Rai, resident of village-Nagdaha, Police Station-
Malahi, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with
Govindganj P.S. Case No.74 of 2016 registered under Sections 379 and
420 of the Indian Penal Code besides Section 8 of the Bihar Mineral
(Prevention) of illegal mining Transportation and Storage Rule 2003
and Sections 40 (1)(7) of Bihar Mines and Mineral Rule, 1972.

The accusation is that the Block Development Officer, Areraj,
seized the truck with trailer loaded with sand in compliance of the order
dated 09.02.2016 issued by the Principal Secretary, Bihar, Patna, in the
light of the order dated 19.01.2016 passed by the National Green
Tribunal, Eastern Zone Bench, Centre-Kolkata in case of Aman
Kumar Singh Vs. The State of Bihar and another, prohibiting the



extraction and transportation of mining.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the truck with trailer loaded with sand, which was seized by the Block Development Officer, Areraj, belong to one Rajendra Singh and the petitioner has been made accused in this case because he was driving the tractor with trailer loaded with sand. The petitioner has no concern with the alleged sand. Further submission is that the petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, East Champaran at Motihari, in connection with Govindganj P.S. Case No.74 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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