

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46231 of 2017

Arising Out of PS.Case No. -245 Year- 2017 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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Sudhir Kumar @ Babloo, Son of Ram Pravesh Yadav @ Rameshwar Yadav, R/o Village- Lalapat Bigha, (Pir Bigh O.P.), P.S.- Aungari, District- Nalanda (Bihar) at present Village- Maghra, P.S.- Deep Nagar, District- Nalanda.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Deepnagar P.S. Case No. 245 of 2017 registered under Sections 379, 188 of the Indian Penal Code and Section 4 and 40 of Bihar Mineral Act, 1972 and Section 8 of the Bihar Minerals (Transportation of illegal mining, storage and Prevention) Act, 2003.

It is submitted by the learned counsel for the



petitioner that the petitioner being the tractor owner had no concern with the sand being carried on the tractor for which, the driver was accountable. He contended that it is quite impossible for the owner of a vehicle to keep track on the activity of its driver, who might have allowed loading of sand mined illegally due to ignorance.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He submitted that due to rampant illegal mining of sand, a ban has been imposed by the State Government on mining of sand. Since the tractor of the petitioner was seized while carrying illegally mined sand, the petitioner does not deserve grant of pre-arrest bail.

Having regard to the submissions made above and the fact that the petitioner being the owner of the tractor was not arrested when the tractor carrying sand was intercepted, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Deepnagar P.S. Case No. 245 of 2017 subject to the conditions



as laid down under Section 438(2) Cr. P.C. in the event of arrest or surrender in the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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