

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61501 of 2017

Arising Out of PS. Case No.-31 Year-2017 Thana- BANSHI District- Jehanabad

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1. Sunil Mukherjee, Son of Shiv Pujan Singh, Resident of Village - Balaura, Police Station - Banshi in the district of Arwal.
 2. Sudarshan Yadav, Son of Doman Yadav, Resident of Village - Daharoo, Police Station - Upahara in the District of Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushant Kumar

For the Opposite Party/s : Mr. ASHARAF ANSARI

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsels for the petitioners and Special
P.P., Mines.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379 and 414 of the IPC, Rule 40 of the Bihar Minor Minerals Concession Rule and under the provisions of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) (Amendment) Rules, 2014.

The prosecution case, as per the written report of Siya Sharan Thakur being a competent Officer in District Mineral Office, Arwal is to the effect that the District Magistrate, Arwal constituted a team consisting of the petitioner and other officials, for conducting surprise check at the sand embankment of Punpun river. During the course of such checking, 11 tractors



loaded with sand were intercepted, but they failed to submit any document, however, the drivers of the tractors managed to escape from the scene. The petitioners are the owner and driver of one of the seized tractors, bearing Registration No. BR 56G 0564.

It is submitted by learned counsel for the petitioners that though, the seizure list suggests that tractor of the petitioners was seized with sand, but the weight of the sand has not been mentioned in the seizure list. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned Special P.P., Mines submits that 11 tractors were seized loaded with sand, but the drivers of the seized tractors managed to flee away.

Considering the nature of accusation and the fact the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-1, Jehanabad in connection with Banshi P.S. Case



No. 31 of 2017, subject to the condition as laid down under
Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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