

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62109 of 2017

Arising Out of PS.Case No. -520 Year- 2017 Thana -BIHTA District- PATNA

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Deval Yadav S/o Janki Yadav, R/o Bachhi, P.S.- Chouparan, District-
Hazaribagh, Jharkhand.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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

ORAL ORDER

02/ 22-12-2017

Heard learned counsel for the petitioner and

learned Special Public Prosecutor for the Mines Department.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 406, 379, 120B of the Indian Penal Code, Sections
4/21 of Mines and Minerals (Development & Regulation) Act,
1975, Sections 4/40 of Bihar Minor Minerals Concession Rules,
1972 and Section 8 of Bihar Minerals and Prevention of Illegal
Mining Transportation Rules, 2003.

The prosecution case is that Manoj
Ambasth, Assistant Director, Mines, District Mining Office,
Patna submitted written report to SHO, Bihta Police Station that
on 30.07.2017 he along with other officials reached to inspect
river Sone at Amnabad area concerning illegal mining of sand



and found that numbers of Poclain were loading sand on wooden boats. Though, the drivers of the Poclain managed to escape but others were apprehended. The apprehended persons disclosed the name of several persons who are indulged in illegal mining of sand and causing loss to the government revenue. One of the JCB machine, seized from the place of mining, belongs to the petitioner.

It is submitted by learned counsel for the petitioner that the JCB machine was in defective condition and only on suspicion the accusation has been levelled. The driver of the petitioner, Anil Kumar Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.12.2017 passed in Cr. Misc. No. 50258 of 2017. Admittedly the petitioner was not present at the place of occurrence. The petitioner is accused in one other case of minor offence.

Learned Special PP Mines submits that the JCB machine of the petitioner was indulged in illegal mining of sand.

Considering the nature of accusation and the driver of the petitioner has been granted anticipatory bail, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below



within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. Case No. 520 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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