

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62044 of 2017

Arising Out of PS.Case No. -328 Year- 2017 Thana -NABINAGAR District- AURANGABAD

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Rakesh Kumar, S/o Ghurendra Yadav, R/o Village Baluapar, P.S. Simra,
District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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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 PP for the Mines Department.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
379/411 of the Indian Penal Code and Section 40 of the Bihar
Mines Minerals Act.

The prosecution case is that two tractors
loaded with sand were intercepted, when no valid challans were
produced. The drivers of both the tractors namely Golu Kumar
and Dinesh Kumar were apprehended. The petitioner is owner of
one of the tractors bearing Registration No. BR 26H-6267,
which was driven by Golu Kumar.

It is submitted by learned counsel for the



petitioner that admittedly the petitioner was not present at the place of seizure and the driver was carrying sand without his permission. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned Special PP Mines submits that the sand was being carried illegally without valid challan and it can be presumed that the petitioner had the knowledge about the same.

Considering the thrust of accusation against the driver coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. Case No. 328 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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