

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55319 of 2017

Arising Out of PS.Case No. -108 Year- 2017 Thana -BIND District- NALANDA
(BIHARSHARIFF)

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Shiv Kumar Roy, Son of Bhagirath Rai, Resident of Kondi, P.S.- Pandarak,
District- Patna.

.... 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 28-11-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bind P.S. Case No.108 of 2017 registered under Section 379 of the Indian Penal Code besides Sections 4/40 of the Bihar Minor Mineral Concession Rules 1972 and Section 8(d) of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rule 2003.

The accusation is that in course of checking of the vehicles, a tractor attached with trolley loaded with sand was stopped by the informant. On demand, no paper of the tractor and trolley was produced by the driver of the tractor. The driver



disclosed his name as Tantan Kumar alias Virchan Patel and he also disclosed the name of the petitioner as the owner of the tractor and trolley.

Learned counsel for the petitioner submits that, admittedly, the petitioner is the owner of the seized tractor and trolley loaded with sand. The petitioner had no knowledge about carrying of illegal sand on the trolley by the driver. 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, Nalanda, Bihar Sharif, District-Nalanda, in connection with Bind P.S. Case No.108 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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