

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60530 of 2017

Arising Out of PS. Case No.-322 Year-2017 Thana- KOTWALI District- Munger

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Babita Devi, wife of Praveen Kumar @ Praveen Kr. Singh, resident of Ukipara Rajganj, Uttar Dinajpur, West Bengal, Permanent Address- Jakarpura, Jagdishpur, P.S. Surajgarha, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra

For the Opposite Party/s : Mr. BINOD KUMAR 3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-12-2017 Heard Mr. Vinay Kumar, learned counsel for the petitioner, Mr. Naresh Dixit, learned Special P.P., Mines and Mr. Binod Kumar-3, learned counsel for the State.

It is submitted by Mr. Naresh Dixit, learned Special P.P., Mines that without serving copy of the petition upon learned Special P.P., Mines, the cases arising out of offences related to Mines Act, are being filed.

It is expected from the Registrar (List & Computer) to ensure that the copies of the petition arising out of offences relating to Mines Act are served upon learned Special P.P., Mines in such cases.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 and 411 of the



IPC and Section 4/40 of the Bihar Minor Mineral Concession Rules, 1972.

The prosecution case, as per the written report of Md. Maghar Makbul, S.I.-cum-O.P. (Purabsarai) Incharge is to the effect that on 24.09.2017 at 10.30 AM while the informant was on patrolling duty, he noticed that stone chips are being unloaded from the truck, but on enquiry, the driver produced the challan which was issued on 22nd September, 2017, to be valid till to 23rd September, 2017 at 10.45 AM, which made apparent that stone chips were being unloaded one day after expiry of the validity of challan.

It is submitted by learned counsel for the petitioner that as per the own admission of the informant, the challan was valid till 10.15 AM at 23rd September, 2017, but the stone chips could not reach the destination within time, since the truck developed some snag. Moreover, the petitioner admittedly being the owner of the truck, was not present at the place of occurrence.

Learned Special P.P., Mines submits that stone chips were being unloaded one day after expiry of validity of challan.

Considering the nature of accusation, particularly the fact that it is not in dispute that stone chips was being transported on the basis of valid challan, but it was being unloaded one day



after expiry of its validity, let the above named petitioner 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) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kotwali (Purabsarai) P.S. Case No. 322 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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