

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61818 of 2017

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

Nandu Singh Yadav, S/o- Sri Makardhawaj Yadav, R/o- Village- Arangi, P.S.-
Dildarnagar, District- Gajipur (Uttar Pradesh).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Usha Kumari Singh
For the Opposite Party/s	:	Mr. LALAN KUMAR
For the Mines	:	Mr. Naresh Dikshit, S.P.P

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-12-2017 Heard learned counsels for the petitioners and State.

Heard learned counsel for the petitioner and learned

Special P.P., Mines.

The petitioner is apprehending arrest in a case registered

for the offences punishable under Sections 147, 148, 149,
406, 379 and 120B of the IPC, Sections 4 and 21 of the Mines
and Minerals (Development and Regulation) Act, 1957,
Sections 4/40 of the Bihar Minor Minerals Concession Rules,
1972 and Section 8 of the Bihar Minerals (Prevention of Illegal
Mining, Transportation and Storage) Rules, 2003.

The prosecution case as per the written report of Manoj
Ambast, Assistant Director, Mines Office, Patna is to the effect
that the informant along with other mining official reached



Amanabad area and found that several Poklen machines are loading sands on boat. On arrival of the police, the boatmen escaped from the scene and some of the drivers of the Poklen also tried to flee away, but the police personnel arrested six Poklen drivers and also seized 29 Poklen machines. The petitioner is the owner of one of the seized Poklen machine.

It is submitted by learned counsel for the petitioner that nothing incriminating has been seized, which suggests that illegal mining was being done at the behest of the petitioner. Moreover, admittedly, the petitioner was not present on the place of occurrence. The petitioner has adequately been punished since his Poklen machine is under seizure causing constant loss to the petitioner.

It is submitted by learned Special P.P., Mines that illegal mining and use of Poklen machine for conducting mining are causing environmental imbalance. The petitioner is also accused in one other case of similar nature.

Considering the fact that the petitioner was not present when the seizure was made and similarly situated accused Ghanshyam Purohit has been granted anticipatory bail by Court, vide Cr. Misc. No. 59905 of 2017, 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 Additional Chief Judicial Magistrate, Danapur in connection with Bihta P.S. Case No. 520 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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