

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14642 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -RISHIUP District- AURANGABAD

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Deo Kumar Yadav S/o Raghunath Yadav R/o Village- Kundwa, P.S. Kone,
District- Sonbhadra(U.P.)>

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 29-06-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in Risiup
P.S.Case No.9/17 registered for the offence s under Sections 379,
411, 420/34 of the I.P.C., Section 3/4/5 of Bihar Illegal Mines Act
and Section 3(e) Prevention of Damage of Public Property Act.

Allegation against the petitioner is that he was carrying
coal ash which according to the prosecution is mineral.

Submission on behalf of the learned counsel for the
petitioner is that the coal ash is not a mineral categorized in the
Mineral Act. Hence, prima facie allegation is not made against the
petitioner.

Finding substance in the aforesaid submission, let the petitioner, above



named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Aurangabad, in Risiup P.S. Case No.9/17subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Birendra Kumar, J)

AnilKrSinha/-

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