

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28417 of 2018

Arising Out of PS. Case No.-69 Year-2018 Thana- BARUN District- Aurangabad

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Mithlesh Kumar Gop @ Mithlesh Kumar Gope, S/o Ram Rup Yadav @ Ram
Rup Singh, R/o Village - Baijnath Bigha, Ward No. 31, P.O. + P.S.
Aurangabad, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar, through the Principal Secretary Cum Commissioner
Department of Mines And Geology, Government of Bihar , Patna.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Naresh Dikshit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-05-2018 Heard learned counsel for the petitioner and the

State.

The petitioner apprehend arrest in Barun P.S. Case
No. 69 of 2018, instituted for the offence under Sections
379,420,34 of the IPC and Section 4/40 of the Bihar Mines Act
and Section 15 of the Prevention of Pollution Act.

In the written report it is alleged that 29 tractors
loaded with sand were found parked and on seeing the police
the drivers of the tractors fled away. The petitioner is said to be
one of the driver-cum-owner of the tractor bearing registration
no. BR26GA1422.

Learned counsel for the petitioner has further
submitted that similarly situated other accused has already been



granted anticipatory bail by a coordinate Bench of this Court vide order dated 03.05.2018 passed in Cr. Misc. No. 26765 of 2018.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Barun P.S. Case No. 69 of 2018, to the satisfaction of the learned CJM, Aurangabad, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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