

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26407 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Manmohan Singh S/o Sukar Mahto, R/o Vill. - Lerua, P.S.- Sasaram (M),
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with Barun P.S. Case No. 49 of 2018 registered for the offences punishable under sections 379, 411, 420 of the Indian Penal Code, Sections 4/40 of Bihar Minor Mineral Concession Rule, 1972 and Section 15 of Environment Protection Act, 1986.

It is submitted by the learned counsel for the petitioner that the alleged sand loaded on the tractor of the petitioner, mentioned at Sl. No. 8 of the F.I.R., was neither illegally mined nor stolen property. The driver was possessing valid Challan but on some misconception, when other vehicles were seized, the tractor of the petitioner was also seized and F.I.R. has



been instituted. It is submitted that the petitioner has got no criminal history. It is also submitted that co-accused Krishan Ram, whose case is identically situated to that of the petitioner, has already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 27.04.2018 passed in Cr. Misc. No. 22567 of 2018.

Learned counsel for the State opposes the application for grant of pre-arrest bail. However, he has admitted that the case of the petitioner stands on identical footing to that of co-accused Krishna Ram.

Considering the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 49 of 2018, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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