

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37864 of 2018

Arising Out of PS.Case No. -189 Year- 2017 Thana -BARUN District- AURANGABAD

=====

Usha Devi W/o Late Arun Kumar Rai, R/o Vill.- Ganga Sadan, Chhota
Telpa, P.S.- Chhapra (Sadar), District- Chhapra (Saran).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 04-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 379, 411, 420, 120B of the Indian Penal Code, Sections 3, 4, 5 of Bihar Illegal Mining Act and Section 75/80 of Bihar Minor Mineral Rules, 2017.

The prosecution case as per the written report of Md. Noman Ahmad, Circle Officer, Barun dated 05.11.2017 submitted to Officer-in-Charge of Barun P.S., is to the effect that on 04.11.2017 at 9.30 P.M., the informant along with police force was conducting raid for illegal mining and its transportation, in the course of which he found stand stored at



petroleum dealership, which was being loaded on parked trucks by labourers. On enquiry being made, the labourers escaped from the scene, but one driver and one labour were apprehended, who disclosed the name of other persons, consequently 12 tractors were also seized.

It is submitted by learned counsel for the petitioner that the petitioner is the owner of the petroleum dealership. The sand was unloaded from the truck and it was seized. The petitioner does not claim the sand in question nor the truck and the truck seized was not registered in the name of the petitioner and the operation of Bihar Minor Mineral Rules, 2017 has been stayed by Division Bench of this Court. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and other co-accused Lakshman Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 62885 of 2017 on the ground that the sand was being transported under a valid challan.

Learned APP, however, submits that due to the illegal mining and its transportation the State Exchequer has suffered huge loss.

Considering the nature of accusation and the



fact that petitioner is neither connected with the truck in question nor has she claimed the sand in question. Moreover, the petitioner is a lady, let the above named petitioner be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 189 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

