

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33791 of 2018

Arising Out of PS.Case No. -85 Year- 2018 Thana -BARUN
District- AURANGABAD

- =====
1. Gopal Prajapati, S/o Makudan Prajapati, R/o Vill.- Kanchanpur, P.S.- Sasaram, District- Rohtas.
 2. Gorakh Ram S/o Nathuni Ram, R/o Vill.- Kanchanpur, P.S.- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 2 05-07-2018 The petitioners are owners of two tractors out of about forty such tractors which were seized on the allegation that the vehicles were being used for illegal mining. Hence, the petitioners have been made accused in connection with Barun P.S. Case No. 85 of 2018 dated 24.04.2018 instituted for the offences under Sections 379, 411, 420, 34 of the Indian Penal Code, Section 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 15 of the Environment (Protection) Act, 1986.

The learned counsel for the petitioners has submitted that the vehicles stood against the names of the petitioners and the papers regarding possession of the vehicles are in



place. There is no specific allegation that the vehicles of the petitioners were used for mining. In fact, only some of the tractors were loaded with sand. Even if that fact is accepted to be true, it cannot be said that the vehicles of the petitioners were being used for illegal mining, thereby attracting the mischief of the sections which have been alleged in the F.I.R.

The petitioners do not have any criminal antecedent.

Considering the aforestated facts, the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each 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. 85 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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