

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45273 of 2018

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

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Dharmvir Kumar, son of Mahendra Singh, resident of village- Jagadihspur,
Tola- Purnadih, P.S. Barun, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-08-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Barun P.S. Case No.85 of 2018** instituted for the offence under Sections 379, 411, 420/34 of the Indian Penal Code, Section 4/40 Bihar Mines and Mineral Rules and Section 15 of Environmental Protection Act.

It is alleged in the written report that during checking of illegal mining and trafficking of sand, the informant Anil Kumar, Mines Inspector raided *Kocharh sand Ghat* where 35-40 tractors were found loaded with sand. The drivers were trying to load sand on the tractors, but could not succeed. It is further alleged that 31 tractors were seized from Kocharh Sand Ghat. It is said against the petitioner that he is owner of the motorcycle which was seized by the police standing in front of his house situated near Sand Ghat.

Counsel for the petitioner has submitted that petitioner has



no concern with the illegal mining of sand. He has no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Barun P.S. Case No.85 of 2018**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Aurangabad**, subject to the conditions as laid down under Section 438 (2) 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 date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if 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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