

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61983 of 2018

Arising Out of PS. Case No.-116 Year-2018 Thana- BARUN District- Aurangabad

Shrawan Kumar, Son of Late Awadhesh Singh, Resident of Village-Pethari,
P.S. Jamhore, District -Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Sri Naresh Dikshit, Special P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2018 The matter has been taken out of turn on the prayer of

learned counsel for the petitioner with consent of learned APP

for the State.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 379, 411, 420/34 of
the Indian Penal Code, Rule 40 of the Bihar Minor Mineral
Concession Rules, 1972 and Section 15 of The Environment
(Protection) Act, 1986.

The prosecution case got initiated on the basis of written
report dated 20.06.2018 submitted by Rakesh Ranjan Jha to the
Station House Officer, Barun Police Station is to the effect that
on the basis of secret information on 20.06.2018 at 11.00 A.M.,



27 tractors loaded with sand were intercepted for conducting the illegal mining. One of the tractor was registered in the name of the petitioner. It is further alleged that the petitioner is owner of the said seized tractor, but the sand was being transported without any valid challan.

It is submitted by learned counsel for the petitioner that the sand was being transported under a valid challan. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P.P. for the Mines that the conduct of the petitioner is not only violation of the provisions of the Bihar Minor Mineral Concession Rules, 1972, but it has also causing huge loss to the public exchequer.

Considering the nature of accusation and dispute with regard to validity of challan, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad, in connection with



Barun P.S. Case No.116 of 2018, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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