

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73727 of 2018

Arising Out of PS. Case No.-206 Year-2018 Thana- BARUN District- Aurangabad

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1. Renu Kuwar @ Ranu Kuwar, Wife of Late Ajay Singh, Resident of Village – Mohanganj, P.S. Barun, District – Aurangabad.
 2. Sanjay Kumar, Son of Jagdish Chaudhary, Resident of Village – Mohanganj, P.S. - Barun, District – Aurangabad.
 3. Sunil Singh @ Sunil Kumar Singh, Son of Ram Swarup Singh, Resident of Village – Jangi Bigha, P.S. Narari Kala Khurd, District – Aurangabad, at present R/o Village – Mohanganj, P.S. Barun, District – Aurangabad.
 4. Monu Bari, Son of Manoj Bari, Resident of Village – Barun, District – Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Mines & Mineral Department, Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr.Sri Binod Kumar 3,APP
For the Department of Mines	:	Mr. Naresh Dikshit, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 It is submitted by learned counsel for the petitioners that petitioner no. 4, Monu Bari has been arrested, hence, his application has become infructuous and accordingly, it is disposed of.

Heard learned counsel for the petitioners, learned APP for the State and Mr. Naresh Dikshit, learned Special P.P. for the Department of Mines.

The petitioner nos. 1, 2 and 3 apprehending their arrest in a case registered for the offences punishable under



Sections 379/411, 420/34 of the Indian Penal Code, Section 4/40 of Bihar Minor Mineral Concession Rules, and Section 15 of Environment Protection Act.

The prosecution case is that five tractors were seized for conducting and transporting illegally mined sands. Petitioner nos. 1, 2 and 3 are the owners of the tractors.

It is submitted by learned counsel for the petitioners that the petitioners were not present at the place of seizure and only on suspicion, the accusation has been levelled against the petitioners. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Mr. Naresh Dikshit, learned Special P.P. for the Department of Mines submits that due to the illegal mining huge loss has been caused to the State exchequer.

Considering the fact that the petitioners are owners and there is nothing on record to suggest that they were present at the place of seizure, coupled with statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner nos. 1, 2 and 3 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) 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. 206 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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