

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2083 of 2018

Arising Out of PS. Case No.-82 Year-2017 Thana- PAUTHU District- Aurangabad

Feku Singh @ Feku Yadav S/o Late Mahipat Yadav, Resident of Village-
Parasi, P.S.-Fesar, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Mr. SRI RAJENDRA PRASAD NAT

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 379, 411 and 120B of the IPC and Rule 40 of Bihar Minor Mineral Concession Rules, 1972.

The prosecution case as per the written report of S.I. Parasnath Prasad, Pouthu Police Station is to the effect that on 12.11.2017 at 5.30 P.M. the informant proceeded from the police station and at 6 P.M. he received confidential information that some tractors are used for lifting sand from Parasia sand embankment. When the informant reached on the place of occurrence, some of the tractors escaped from the scene after unloading the sand, whereas one Mahindra Tractor loaded with sand got stuck in the sand and when it was inquired, it transpired that the tractor belongs to the petitioner whose



driver's name is Anirudh Kumar.

It is submitted by learned counsel for the petitioner that the seized tractor belonged to the petitioner who gave the same to his son-in-law for agriculture work but the police implicated him falsely.

It is submitted by learned Special P.P. for the Mining Department that the tractor was seized loaded with sand without valid challan, hence, through tractor of the petitioner illegal mining was being facilitated.

Considering the fact that the petitioner is the owner of the tractor in question and it is not the case of the prosecution that he was present at the place of seizure, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 Pouthu P.S. Case No.82 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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