

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20375 of 2018

Arising Out of PS.Case No. -520 Year- 2017 Thana -BIHTA District- PATNA

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Suneel Kumar S/o Late Baleshwar Ray, R/o 79, Madadev Asthan , T/V-
Maner Anchal, P.S.- Maner, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Niwas Prasad, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 17-04-2018

Heard learned counsel for the petitioner and

learned counsel for Department of Mines.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 379, 406, 120B of the Indian Penal Code, Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957, Rules 4/40 of the Bihar Mines Minerals Concession Rules, 1972 and Rule 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

The prosecution case as per the written report of Manoj Ambastha, Assistant Director, Mines Office, Patna, to the effect that the informant along with other mining officials



reached Amanabad area and found that several Poklen machines were used to load sands on several boats. On arrival of the police, the boatmen escaped from the scene and some of the drivers of the Poklen also tried to flee away, but the police personnel arrested six Poklen drivers and also seized 29 Poklen machines. The petitioner is the owner of one of the seized Poklen machines.

It is submitted by learned counsel for the petitioner that nothing incriminating has been seized, which suggests that no illegal mining was being done at the behest of the petitioner. Moreover, admittedly, the petitioner was not present on the place of seizure. The petitioner has adequately been punished since his Poklen machine is under seizure, causing continuous loss to the petitioner. It is further submitted by learned counsel for the petitioner that similarly situated accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. Nos. 51436 of 2017, 59905 of 2017 and 5262 of 2018. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for Department of Mines that illegal mining and use of Poklen for



conducting mining are causing environmental imbalance.

Considering the fact that the petitioner was not present when the seizure was made, similarly situated accused persons have been granted anticipatory bail vide Cr. Misc. Nos. 51436 of 2017, 59905 of 2017 and 5262 of 2018 and a statement has been made in paragraph 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 his 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) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur in connection with Bihta P.S. Case No. 520 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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