

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6385 of 2018

Arising Out of PS. Case No.-214 Year-2017 Thana- RAFIGANJ District- Aurangabad

Satish Kumar, Son of Bharat Singh, Resident of Village- Devjara, P.O.-
Manika, P.S.- Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. SRI DILIP KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned counsels for the petitioners and Special
P.P., Mines.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 and 411/34 of the IPC and Sections 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972.

The prosecution case, as per the written report of Rakesh Ranjan Jha, being the Mines Development Officer, Aurangabad, submitted to the Station House Officer, Rafiganj Police Station is to the effect that on 19.12.2017, the informant along with other officials inspected the sand ghat at the embankment of Mada river, where sand was being loaded by two persons on a tractor, who were apprehended, and who disclosed their names as Shafik Rai and Ravindra Thakur. Subsequently, at 3 PM, near



the Government Middle School, Akauni, one tractor, bearing Registration No. BR26K 5939 along with trailer bearing Registration No. BR26K 4522 was intercepted, but the driver of the alleged tractor failed to show the challan, and hence, the said tractor was also seized.

It is submitted by learned counsel for the petitioner that the petitioner is the owner of above mentioned seized tractor and he had no knowledge about the sand being transported on the tractor in question. This is not the case of the prosecution that the petitioner was present on the tractor when it was intercepted. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned Special P.P., Mines submits that the sand was being carried out without valid challan, hence, they are causing loss to the public exchequer.

Considering the nature of accusation and the fact that the petitioner was not present on the place of seizure, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Chief Judicial Magistrate,



Aurangabad in connection with Rafiganj P.S. Case No. 214 of
2017, subject to the condition as laid down under Section 438(2)
of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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