

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33709 of 2018

Arising Out of PS.Case No. -72 Year- 2018 Thana -BARUN District- AURANGABAD

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Santosh Singh S/o Late Bahadur Singh, R/o Vill.- Akhalashapur, P.S.-
Bhabhua, District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

2 07-06-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in connection with
Barun P.S. Case No. 72 of 2018, registered for the offences
punishable under Sections 379, 411, 420/34 of the Indian Penal
Code and Section 4/40 of M.M.C.R. and Section 15 of Prevention
of Pollution Act.

The informant, Rajendra Ram, Mining Officer of
Aurangabad alleged that he along with other conducted raid
against illegal mining near Keshav More under Barun Police
Station, where 7 tractors are alleged to have loaded with sand were
held. They had no challan etc. One tractor driver managed to
escape but six of them were apprehended. Accordingly, drivers
were arrested and tractors were seized.

The learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. The petitioner is



not named in the F.I.R. and he is the owner of the tractor bearing Registration No. BR-45G-5248 and Trailer bearing Registration No. BR-45G-1610 which has been given on rent at the sand *Ghat* for which he is getting rentals. It has been further submitted that petitioner is owner of the tractor and he had been carrying valid sand which would be established from the challan issued by the Mines and Minerals Department as would be evident from the F.I.R. itself for period 04.04.2018 and valid till 05.04.2018. The F.I.R. is registered on 05.04.2018 despite the fact that the challan was valid for 05.04.2018.

Considering the facts and circumstances of the case, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (ten thousand) 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. 72 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Arvind Srivastava, J)

Ved/Rajeev/-
N.H./-

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