

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35586 of 2018

Arising Out of PS.Case No. -55 Year- 2018 Thana -KASHICHAK District- NAWADA

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Arun Kumar, Son of Ram Prasad Mahto, Resident of Village Barhi Bigha
P.S.- Kashichak, District Nawadah.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Kashichak (Sahpur O.P) P. S. Case No. 55 of 2018 registered
under Section 379 of the Indian Penal Code and Section 4/40 of
the Bihar Minor Mineral Concession Rules, 1972 and Section 15
of the EP Act, 1986.

It is submitted that entire allegations made in the FIR
are false and fabricated. The petitioner is a poor farmer and is not
concerned with illegal mining of sand. Rules 4 and 40 of the Bihar
Minor Mineral Concession Rules, 1972 are bailable in nature. The
FIR has been instituted under Section 379 of the Indian Penal
Code only to make the offence non-bailable.

Learned Additional Public Prosecutor for the State



opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that it is a case of illegal mining of sand and storage of sand.

Considering the nature of allegation and the submissions made on behalf of the petitioner as also the statement made in para-3 of the application stating therein that the petitioner has got no criminal antecedent, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Nawadah in connection with Kashichak (Shahpur O.P) P.S. Case NO. 55 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

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