

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39039 of 2018

Arising Out of PS. Case No.-85 Year-2018 Thana- BARUN District- Aurangabad

Rajesh Kumar, Son of Lallu Singh, Resident of Village- Lebara, Police Station- Tilauthu, District- Rohtas at Sasaram (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in Barun P.S. case no. 85 of 2018 instituted for the offence under Section(s) 379, 411 and 420/34 of the Indian Penal Code and Sections 4 and 40 of the Miner Mineral Act, 1972 and Section 15 of the Environment Protection Act, 1986.

In the written report it is alleged that during checking of the illegal mining and trafficking of the sand by the Mines Inspector 35-40 tractors were found loaded with sand. Some drivers tried to unload the sand but in vain. The driver succeeded in fleeing away. 31 tractors were seized.

It is submitted that this petitioner was driver of one of the tractor. The aforesaid tractor was empty. He was not apprehended on the spot. The other co-accused has already been



granted anticipatory bail by coordinate Bench of this Court vide order dated 28.06.2018 passed in Cr. Misc. 32496 of 2018.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Barun P.S. case no. 85 of 2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

