

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43513 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- BARUN District- Aurangabad

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1. Meera Devi, W/o Jai Prakash Singh Yadav, R/o Vill.- Jagatpura, P.O.- Bare, P.S.- Bhabhua, District- Kaimur.
 2. Rajeev Ranjan Kumar, S/o Manohar Singh, R/o Village & P.O.- Mohan Dadava, P.S.- Sonhan, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav

For the Opposite Party/s : Mr. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2018

Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379, 411, 420/34 of the IPC and 4/40 of Bihar Minor Mineral Concession Rules, 1972 and Section 15 of Environmental Protection Act.

The prosecution case, as per the written report of Enforcement Officer, District Mining Office, Aurangabad submitted to the SHO, Barun Police Station, is to the effect that on the basis of secret information that illegal mining of sand and transportation is being done, raid was laid, leading to seizure of 5 tractors including Swaraj Tractor of the Petitioner No. 1 bearing Engine No. 43.3009/SYM32917.

It is submitted by learned counsel for the petitioners that Petitioner No. 1 is the owner and Petitioner No.2 is the driver of the



tractor in question. It is further submitted that sand was being transported on the basis of valid challan, as contained in Annexure-2. Moreover, statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the Mines submits that he does not challenge the veracity of the challan, but due to illegal mining, huge loss has been caused to the public exchequer.

Considering the fact that the challan, as contained in Annexure-2, has not been challenged by learned counsel for the Mines and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Barun P.S. Case No. 121 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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