

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43686 of 2018

Arising Out of PS. Case No.-98 Year-2017 Thana- ASARGANJ District- Munger

Raj Kumar Das, Son of late Bhola Das, Resident of Village- Koriya, Police Station- Haveli Kharagpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rounak Kumar Singh "Pankaj", Adv.

For the Opposite Party/s : Sri J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2018 Heard learned Counsel for the petitioner and learned
Special PP for the Mines.

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

The prosecution case got initiated on the basis of self statement of Pallav, Sub-Inspector of Police-cum-SHO, Asarganj Police Station dated 11.08.2017 at 7.00 P.M. at Primary School Naya Tola, Munger to the effect that on the same day at 5.00 P.M. during patrolling, the informant intercepted a tractor loaded with sand and on demand of papers being made, the driver failed to produce any 'Challan' with regard to transportation of the mined sand loaded in the said tractor. The



tractor was found registered in the name of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner sold the tractor to one Mukhdeo Mandal, but due to some lacuna, the paper of the tractor could not be transferred/updated in favour of the purchaser, Mukhdeo Mandal. The purchaser of the tractor accepted this fact that he has purchased the tractor in question from the petitioner, Raj Kumar Das, after paying a consideration amount of Rs. 2,40,000/-. Hence, no offence against the petitioner is made out. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P. P. for the Mines that the due to the illegal mining, huge loss is caused to the state exchequer.

Considering the nature of accusation and the fact that there was a dispute with regard to ownership of the tractor on the date of seizure, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
CJM, Munger, in connection with Asarganj P.S. Case No.98 of
2017, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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

