

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44018 of 2018

Arising Out of PS. Case No.-120 Year-2018 Thana- BARUN District- Aurangabad

Shashikant Dubey S/o Pramod Kumar Dubey, R/o Vill.- Jhumardihra, P.S.-
Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

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

It is alleged in the written report that informant raided
Enikat Balughat within the jurisdiction of Barun police station
and found 12 tractors engaged in illegal mining of sand.

Learned counsel for the petitioner has submitted that
petitioner is said to be owner –cum-driver of tractor. It has
further been submitted that he has clean antecedents. He was not
committing any illegal act. The vehicle was stopped by the



police and he has falsely been implicated in this case.

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. 120 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 CJM 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)

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