

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.505 of 2018

Arising Out of PS.Case No. -173 Year- 2017 Thana -BARUN District- AURANGABAD

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Sarju Kumar S/o Yogendra Singh, R/o Village- Malpur, P.S.- Barun,
District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Barun P. S. Case No. 173 of 2017 registered under Sections 379.
411 and 420/34 of the Indian Penal Code and 3, 4 and 5 of Bihar
Illegal Mines Act.

It is contended by the learned counsel for the
petitioner that the offences alleged are not attracted against the
petitioner. He submitted that the petitioner was a tractor driver and
was not doing anything illegal. It is further contended that under
valid licence and challan sand was loaded on the tractor and the
petitioner being a driver was supposed to transport the same as per



the direction given by his master. However, FIR has been instituted by the police in colourable exercise of power.

On the other hand, learned Additional Public Prosecutor for the State submitted that despite ban imposed by the State regarding mining of sand, the petitioner illegally transported mined sand on his trailer.

Regard being had to the nature of allegation and taking into consideration the fact 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 Chief Judicial Magistrate, Aurangabad in Barun P. S. Case No. 173 of 2017, 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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