

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47952 of 2018

Arising Out of PS. Case No.-134 Year-2018 Thana- BARUN District- Aurangabad

Sunil Kumar, S/o Ram Suresh Singh, resident of Village Lakhaipur Saduri Karma, P.S. Narari Kola Khurd, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Bihar Mines and Mineral Department Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 31-08-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Barun P.S. Case No. 134 of 2018, instituted for the offence under Sections 379,411,420/34 of the Indian Penal Code and Sections 4 and 40 of the Bihar Mines and Minerals Act, 1986 and Section 15 of Bihar Environmental Protection Act.

Learned counsel for the petitioner submits that petitioner is the owner of the tractor mentioned at serial no. 1. It has been further submitted that he has not lifted any sand from river. He has purchased the sand for personnel use from the damp or owner store who did not give any receipt or challan to him. It is mentioned in paragraph 3 to this petition that he has clean antecedent.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Barun P.S. Case No. 134 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to condition as laid down u/S 438 (2) of the 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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