

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55997 of 2018

Arising Out of PS.Case No. -133 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Amresh Kumar, S/o Ramnath Singh, R/o Vill.- English , P.S.- Barun, District- Aurangabad (Bihar).
 2. Ajit Kumar S/o Yogeshwar Paswan, R/o Vill.- Simra, P.S.- Barun, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Cum Commissioner, Department of Mines and Geology, Government of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the State : Mr. Jeetendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 379/420/411/34 of the Indian Penal Code, Section 4/40 of the Bihar Mines and Minerals Concession Rules, 1972 and Section 15 of the Prevention of Pollution Act, 1986 registered in connection with Barun P.S. Case No. 133 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event, they were merely engaged in transporting the sand purchased from Contractors. They have not



been apprehended in course of illegal mining and trafficking of sand. Similarly situated co-accused have been granted anticipatory bail by this Court in Cr. Misc. No. 47148 of 2018 and Cr. Misc. No. 47306 of 2018. Petitioners claim clean antecedent.

4. Having regard to the entirety of the facts and circumstances, as such, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Aurangabad, in connection with Barun P.S. Case No. 133 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions :

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(iv) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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