

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68783 of 2018

Arising Out of PS. Case No.-181 Year-2018 Thana- BARUN District- Aurangabad

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1. Rajesh Kumar, S/o Late Parmeshwar Singh, resident of Village- Pokhrahan, P.S.- Barun, District- Aurangabad.
 2. Manoj Singh, S/o Ramayan Singh, Resident of Village- Jangi Bigha, P.S.- Narari Kala Khurd, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Barun P.S. Case No.181 of 2018 registered for the offences punishable under Sections 379, 411, 420 read with 34 of the Indian Penal Code, Sections 4, 40 of the Bihar Minor Mineral Concession Rules and Section 15 of the Environmental Protection Act.

The allegation in the first information report is that on 23.09.2018 in order to check the illegal mining and trafficking of sand, the Mining Development Officer reached near sand Ghat within Barun police station and verified a truck bearing registration no. UP 50BT-9594 which was loaded with sand for



which no paper was produced. The driver disclosed his name as Ram Kumar Yadav. He was arrested. Thereafter, the raiding team reached near Ainikat Balu Ghat where three tractors loaded with sand were seized. The raiding party also reached Devi Balu Ghat where two tractors were seized. One of the drivers namely, Mohan Paswan was arrested.

It is submitted by the learned counsel for the petitioner no.1 is owner-cum-driver of tractor mentioned at sl. no.1 of the seizure list whereas petitioner no.2 is owner-cum-driver of tractor mentioned at sl. no.3 in the seizure list. He contended that as far as the petitioners are concerned, they were not indulged in any kind of illegal mining or trafficking of sand. It is further contended that the offences alleged under Section 379, 411 and 420 of the Indian Penal Code are ornamental in nature, as the ingredients of those offences are not applicable to the facts of the present case. The offence punishable under Section 40 of the Bihar Minor Mineral Concession Rules is bailable in nature.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners.

Considering the submissions made above as well as the facts and circumstances of the case, in the event of arrest or



surrender in the court below within a period of six weeks from today, the petitioners, who are reported to be men of clean antecedent, are 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No.181 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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