

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70744 of 2018

Arising Out of PS. Case No.-157 Year-2018 Thana- BARUN District- Aurangabad

Om Prakash Singh, Son of Shreedayal Singh, Resident of Village- Gopi Bigha, P.S.- Dehri, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsels for the petitioner and the Department of Mines.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379, 411 and 420/34 of the IPC, Section 15 of the Environment Protection Act, 1986 and Rule 4 and 40 of the Bihar Minor Mineral Concession Rule, 1972.

The prosecution case, as per the written report of Md. Reyajuddin, being the Minor Development Officer, Aurangabad, submitted to the Station House Officer, Barun Police Station, is to the effect that on 04.08.2018, the informant received a secret information that sand is being illegally mined, stored and loaded on a truck near Eniket Dhamni Road. Subsequently, the informant reached on the spot and found that one loader is loading the sand on the truck and upon seeing the informant and



other officials, the accused persons escaped from the scene and the truck loaded with sand and a loader were seized. It is alleged against the petitioner that the loader of the petitioner is being used for loading the sand.

It is submitted by learned counsel for the petitioner that loader of the petitioner was parked nearby the place of seizure and only on suspicion, the petitioner has maliciously been roped in the present case. It is further submitted that the thrust of accusation is against the person, on whose truck the sand was being loaded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the Department of Mines submits that loader of the petitioner was found near the place of seizure.

Considering the nature of accusation and the fact that the thrust of accusation is against the person on whose truck, the sand was being loaded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 157 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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