

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58974 of 2018

Arising Out of PS. Case No.-196 Year-2018 Thana- SIRDALA District- Nawada

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1. Ranvijay Kumar son of Raghunandan Singh, Resident of village – Bargawn, P.S. Sirdalla, District Nawada, owner of seized Tractor No. BR-27G4356 and Trailors No. BR-27G-4556
 2. Himanshu Kumar, son of Akhileshwar Prasad, resident of village – Changhwan, P.S. Sirdalla, District Nawada
 3. Gorelal Kumar, son of Bundi Prasad Yadav, resident of village – Bargawn, P.S. Sirdalla, District Nawada
 4. Narendra Kumar, son of Jageshwar Prasad Yadav, resident of village Harital Hall, P.S. Rajauli, District Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj
For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 13-12-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Sirdalla P.S. Case No. 196 of 2018 for the offence registered under Section 379 of the Indian Penal Code and Section 4/40 of Bihar Minor Mineral Concession Rule 1972, 21 of Mines and Mineral (Development & Regulation) Act 1957, Rules 3 of the Bihar Mineral (Prevention of illegal Mining, Transportation & Storage), 2003 and Section 15 of the



Environment Protection Act.

Learned counsel for the petitioners submits that the present petitioners are the owners and the drivers of the vehicle which was seized for illegal mining of sand. It is further submitted the petitioners were bona fide owners and drivers of the respective tractors. It is further submitted that the provisions of the Mines and Minerals Act would not apply since the petitioners were carrying sand with valid challan and for which, photo copies were filed along with the anticipatory bail application in the Court below yet petitioners' vehicles were seized and on the said basis, they are facing prosecution. It is further submitted that no case of theft is made out as their vehicle had been hired and more so, they have had valid licence of minerals of sand.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest/surrender before the learned counsel below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., V, Nawada in connection with Sirdalla P.S. Case No. 196 of 2018, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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