

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1579 of 2018

Arising Out of PS. Case No.-88 Year-2012 Thana- KHAIRA District- Jamui

Binod Sao S/o Jago Sao, Resident of Village-Parasi, Police Station-Khaira,
District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. MD. NAZIR ANSARI

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under section 379 of the IPC, Section 4 and 40 of Bihar Minor Mineral Concession Rules, 1972 and Sections 3 and 4 of the Explosive Substances Act.

The prosecution case as per the written report of the informant District Mining Development Officer, Jamui dated 21.6.2012 submitted to the Officer Incharge of Khaira Police Station, is to the effect that on 21.6.2012 at about 9 A.M. the informant and others inspected the mining site situated at Mauza Sokho and Dantrangwa and found that 30-35 labourers were mining stones. On arrival of the inspection team, labourers escaped from the scene. Further



case of the prosecution is that on one hundred acre land, appertaining to Plot No. 1372 (part), mining lease has been given to one Vijay Kumar, which was found closed.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been roped in as an accused in the present case. The area which has been leased out to Vijay Kumar, has not been disputed but without ascertaining the leased out area the prosecution has been launched when the labourers were found working at the behest of said Vijay Kumar.

Learned Special PP submits that the petitioner was found conducting illegal mining.

Considering the omnibus and general accusation against 35 persons including the petitioners and the fact that other co accused Bikash Kumar Singh alias Bikash Singh, Md. Munna Ansari alias Samasher Ali alias Munna Mian, Bishundeo Sah alias Bishundeo Sao and Pradip Sah alias Pradip Sao have been granted anticipatory bail vide Cr. Misc. Nos.36763, 31369 and 52353 of 2017 by different benches of this Court, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Jamui in connection with Khaira P.S. Case No.88 of 2012, subject to the conditions laid down in Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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