

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20391 of 2018

Arising Out of PS. Case No.-547 Year-2017 Thana- HILSA District- Nalanda

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Surendra Prasad @ Suren Mahto, S/o Late Ramjee Mahto, R/o Village- Arpa,
Post- Kaliyachak, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Lal Verma, Adv.

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-04-2018 Heard learned counsel for the petitioner and learned
Special P. P. for the Mines Department.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code, Sections 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 8 of the Bihar Minerals (Prevention of illegal Mining, Transportation and Storage) Rules, 2003.

The prosecution case got initiated on the basis of written report dated 24.08.2017 submitted by Jairam Singh to the Station House Officer, Hilsa Police Station to the effect that on 24.08.2017 at 12.40 PM, a secret information was received that



sand of the petitioner (Surendra Prasad @ Suren Mahto) is being transported, the raid was led and found that the sand was being loaded on a tractor. On query, the neighbouring people suggested that the said tractor belongs to one Sanjay Mahto.

It is submitted by learned counsel for the petitioner that the petitioner does not reside at his native place and admittedly he was not transporting the sand. The petitioner was not aware about sand being transported by somebody. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P. P. Mines that by conducting the illegal mining and transporting the same, huge loss is being caused to the public exchequer.

Considering the fact that the petitioner was admittedly not present when the sand was being loaded, coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Hilsa, Nalanda,



in connection with Hilsa P.S. Case No.547 of 2017, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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