

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73496 of 2018

Arising Out of PS. Case No.-58 Year-2016 Thana- SAHODARA District- West Champaran

Vijay Kumar Jaiswal, Son of Shri Satyanarayan Prasad Jaiswal, Resident of Mohalla Purani Bazar Narkatiaganj, Police Station Shikarpur, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 and 420 of the IPC, Sections 33, 41 and 42 of the Forest Act and Sections 4(i) and 40(x) of the Bihar Mines Minerals Core Rules, 1792.

The prosecution case, as per the written report of Pramod Kumar, Mining Development Officer, West Champaran, Bettiah submitted to the Station House Officer, Bettiah Police Station, is to the effect that on 22.09.2016 at about 11.30 A.M., the informant was conducting investigation with regard to illegal mining in village Rajpur



with police officials. On seeing the police, the tractor driver and other labourers escaped from the scene. One tractor bearing Registration no. RJ-02-7722 was seized from which very small quantity of stones were recovered.

It is submitted by learned counsel for the petitioner that the owner of vehicle was not present at the place of seizure and having no involvement of vehicle in illegal mining, the vehicle has been released. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the mining submits that due to illegal trade of sand huge loss has been caused to public exchequer.

Considering the fact that the prosecution has failed to proof that the petitioner was present at the place of seizure, 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 **SDJM, Bettiah, West Champaran** in connection
with **Sahodara P.S. Case No. 58 of 2016** subject to the
condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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