

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21114 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- NAWADA District- Nawada

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1. Avinash Kumar, Son of Late Anant Singh, resident of Village- Oheri, P.S.- Kadirganj, District- Nawada.
 2. Vikrant Kumar, Son of Late Birju Chaudhary, Resident of Village- Gosaibigha, P.S.- Akbarpur, District- Nawada.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party : Mr. Sri Abhay Kumar Roy (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 30-04-2018 Heard learned counsel for the petitioners and
learned counsel representing the State.

The petitioners apprehend their arrest in connection with Nawada (Bundelkhand) P.S. Case No. 06 of 2018, registered for the offences punishable under Sections 379, 414 of the Indian Penal Code and Section 4, 40 of the Bihar Minor Mineral Concession Rule, 1972, 21 of Mines & Minerals (Development & Regulation) Act, 1957 and Section 3 of Minerals (Prevention of Illegal Mining, Transportation and Storage) Bihar Rules, 2003.

Allegedly, the petitioners being owner and driver of tractor were indulged in illegal mining of sand and tractor



loaded with 100 C.F.T. sand was seized but the driver succeeded in fleeing away.

Submission is of false implication and that the said sand was carried from truck under valid challan and as the said truck was unable to go from the land and, as such, part of the sand was loaded on the tractor and was going to Gosaibigha land but in the meantime, the tractor was seized. The petitioners have got no criminal antecedent and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. submits that the tractor was not even registered.

In the facts and circumstances as stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Nawada (Bundelkhand) P.S. Case No. 06 of 2018, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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