

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2242 of 2018**

Arising Out of PS. Case No.-192 Year-2017 Thana- BARUN District- Aurangabad

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1. Mithilesh Kumar Singh, Son of Ujagir Singh Resident of Village - Ghatmapur, P.S.- Sasaram, Dist- Rohtas, Sasaram.
  2. Brijbihari Singh, Son of Banshropan Singh, Resident of Village- Majhiyawa, P.S. -Baghaila, Dist - Rohtas at Sasaram.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bachan Jee Ojha  
For the Opposite Party/s : Mr. SRI ABHAY KUMAR ROY

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2     18-01-2018     Learned counsel for the petitioners is permitted to make necessary correction in the petition.

Heard learned counsels for the petitioners and Special P.P.,  
Mines.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379, 411 and 420/34 of the IPC, Rules 3, 4 and 5 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage), Rules and Rules 75 and 80 of the Bihar Minor Minerals Rules, 2017.

The prosecution case, as per the written report of Circle Officer, Barun, submitted to the S.H.O., Barun Police Station is to the effect that on 07.11.2017, the informant, in course of anti mining drive, reached near the Sone river and intercepted four



tractors loaded with sand when the drivers of the seized tractors were apprehended, who disclosed their names as Arvind Kumar, Krishna Kumar, Manish Kumar and Akhilesh Kumar, but they failed to produce any challan, hence all the tractors were seized. The petitioners are the owners of two seized tractors bearing Registration No. BR-24G 1102 and BR-24GA 2577.

It is submitted by learned counsel for the petitioners that the petitioners are the owner of the two tractors. The sand was being transported under valid challan and the same has been brought on record as Annexure- 2(series), but maliciously the present case has been lodged. Moreover, operation of the Bihar Minor Minerals Rules, 2017 has been stayed by an order passed by the Division Bench of this Court in C.W.J.C. No. 15965 of 2017 (Pushpa Singh Vs. State of Bihar and Ors).

Learned Special P.P., Mines submits that the sand was being transported without any valid challan, hence the petitioners were causing loss to the public exchequer.

Considering the nature of accusation and the fact that the sand was being carried under valid challan which has been brought on record and the petitioners were not present on the place of occurrence, let the above named petitioners 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) each with two sureties of like amount each to the satisfaction of learned CJM, Aurangabad in connection with Barun P.S.Case No. 192 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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