

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28859 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- BARUN District- Aurangabad

Prakash Kumar, Son of Suresh Singh, Resident of Village- Nil Kothi Ram Raj
Gorahi (Gadhi), P.S. Dehri-On-Son, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-05-2018 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph 7 of the petition.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Barun P.S. Case No. 49 of 2018 registered under Sections
379, 411, 420 and 120(B)/34 of the Indian Penal Code, Section
4/40 (BMMCR) Bihar Mines Act and Section 15 of Pollution
Act, 1986.

Learned counsel for the petitioner submits that the
sand loaded on the tractor of the petitioner, as detailed at Serial
No. 18 of the F.I.R., was neither illegal nor stolen property.
While the petitioner, who was driving the tractor, was moving



with valid Challan, but on some misconception, the tractor of the petitioner was also seized at the time of seizing the other vehicles and the F.I.R. has been lodged. It is further submitted that petitioner, who is driver-cum-owner of the tractor, as detailed at serial no. 18, has no criminal antecedent. Further submission is that co-accused Manmohan Singh, has already been allowed the privilege of pre-arrest bail by a Bench of this Court vide order dated 04.05.2018 passed in Criminal Misc. No. 26407 of 2018.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 49 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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