

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48581 of 2018

Arising Out of PS. Case No.-120 Year-2018 Thana- BARUN District- Aurangabad

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1. Arjun Yadav, S/o Bhola Yadav,
 2. Chhotan Kumar S/o Binay Singh,
Both R/o Vill.- Akodha, P.S.- NTPC Khaira, District-
Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Mr. Sri Anant Kumar

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 29-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Barun P.S. Case No. 120 of 2018 for the offence registered under Sections 379, 411, 420/34 of the Indian Penal Code and Section 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 15 of Prevention of Pollution Act.

Learned counsel for the petitioners submits that the petitioners are owner and driver of the vehicle on which, the sand is said to have been loaded. It is submitted that they were apprehended but they were not aware that such sand was being procured by the person, who had hired his vehicle, without any



valid license. It is further submitted that being totally unaware of such circumstances, the petitioners cannot be saddled with the liability of indulging in theft of the sand which was the product of illegal mining.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest/surrender before the learned counsel below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Aurangabad, Bihar in connection with Barun P.S. Case No. 120 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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