

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53307 of 2018

Arising Out of PS. Case No.-140 Year-2018 Thana- BARUN District- Aurangabad

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Gobind Kumar Chaudhary S/o Hiralal Chaudhary, R/o Vill.- Dhamani, Post-
Jhumardihara, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Cum Commissioner Department of Mines and
Geology Government of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Mr. Sanjeet Kumar Singh
For the Dept. of Mines	:	Mr. Naresh Dikshit Mr. Brij Bihari Tiwari

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 12-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Barun P.S. Case no. 140 of 2018, registered under
Sections 379, 411, 420/34 of the Indian Penal Code, Section
4/40 of the Bihar Mines and Minerals Concession Rules-1972
and Section 15 of the Prevention of Pollution Act-1986.

Sand laden tractors of the petitioner and that of one
Sunil Kumar are said to have been seized by the personnel of
the Mining Department and the drivers fled away leaving the
tractors.

It is submitted by learned counsel for the petitioner



that the tractors were not laden with the sand rather with the soil and the petitioner has been falsely implicated in this case by the personnel of Mining Department due to ulterior motive. It is also submitted that the occurrence took place on 18.07.2018 and FIR was lodged on the same day, but it was sent to the court on 20.07.2018 with delay of two days without assigning any plausible and convincing reason of the aforesaid delay. Said Sunil Kumar has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.10.2018 passed in Cr. Misc. no. 61830 of 2018.

In 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 four 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 learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case no. 140 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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