

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69596 of 2018

Arising Out of PS. Case No.-181 Year-2018 Thana- BARUN District- Aurangabad

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Kaushalendra Kumar S/o Ramadhar Singh Resident of Village-Bishun
Bigha,P.S. Barun,Distt.-Auganabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-12-2018

Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Barun P.S. Case No.181 of 2018, disclosing offences under Sections 379,411,420,34 of the Indian Penal Code and Sections 4 and 40 of the Minor Mineral Concession Rule and Section 15 of the Environment Protection Act (Hereinafter referred to as the Act).

The petitioner is admittedly the registered owner and driver of tractor bearing registration No. BR26K-8401. The tractor has been seized by the police on the allegation of being engaged in illegal mining activities of extracting of sand without any valid permission/licence.

Learned counsel appearing on behalf of the petitioner



submits that no offence under Sections 379/420 of the Indian Penal Code can be said to be made out since there is no allegation that any amount of sand was found loaded on the tractor. He further contends that there is no chance of petitioner fleeing away from the course of investigation, trial or even confiscation proceeding if allowed anticipatory bail. The tractor which is still in custody of the mining officials.

Considering the circumstance that there is a provision for confiscation of vehicle engaged in illegal mining under the Act, which is in custody of the mining officials and the petitioner has no criminal antecedent, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds 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 Barun P.S. Case No.181 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as



and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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