

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61830 of 2018

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

Sunil Kumar, Son of Laxmun Sao @ Laxman Saw @ Lakshman Sav,
Resident of Mohanganj, Barun, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

For the Mines : Mr. Naresh Dixit, Spl. P.P. (Mines)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379, 411 and 420/34 of the IPC, Section 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 15 of the Environment Protection Act, 1986.

The prosecution case as per the written report of Md. Reyajuddin, the Minor Development Officer, Aurangabad submitted to the Station House Officer, Barun Police Station is to the effect that on the secret information, during prohibited



mining period, two tractors loaded with sand were intercepted, out of which one tractor belongs to the petitioner. It is further alleged that mining was conducted in violation of the order of National Green Tribunal.

Learned counsel for the petitioner submits that in fact the tractor was loaded with earth and maliciously the present prosecution has been lodged. It is further submitted that for the occurrence of 18.07.2018, the FIR was lodged on 18.07.2018, which reached to the court on 20.07.2018, which suggests that by antedating, the FIR was lodged. A statement has been made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent.

Learned APP submits that the tractor of the petitioner was intercepted loaded with sand.

Considering the delayed reaching of the FIR to the Court, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named 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 thousands) with two sureties of like amount each to the satisfaction of learned **CJM, Aurangabad,**



in connection with **Barun P.S. Case No. 140 of 2018**, subject to
the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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