

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2126 of 2018

Arising Out of PS.Case No. -1368 Year- 2017 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

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Prince Kumar, Son of Rawan Prasad @ Pawan Prasad, Resident of Village-
Bhanpur, P.S. Dinara, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Mines Department: Mr. Naresh Dikshit, Special PP

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-01-2018

Heard learned counsel for the petitioner and

learned Special PP for the Mines Department.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 379/411 of the Indian Penal Code and Rules 4/40 of Bihar Minor Mineral Rules, 1972 (wrongly mentioned in the FIR as Bihar Mining Act).

The prosecution case got initiated with the written report of Circle Officer, Sasaram submitted to the SHO, Sasaram Muffasil Police Station on 21.09.2017 is to the effect that on the same day, the Assistant Director, Mines and



Geological, Rohtas informed the informant that the Officer-in-Charge, Sasaram Muffasil has intercepted a truck loaded with sand and driver of the said truck escaped from the scene then the informant went to the place of seizure and found the truck loaded with sand and none came forward to claim the sand in question.

It is submitted by learned counsel for the petitioner that the petitioner is the driver of the vehicle in question and the sand was transported on the basis of valid challan. The same has been brought on record as Annexure-2. Hence, no offence as alleged is made out against the petitioner.

Learned Special PP submits that no challan was produced at the time of seizure and none claimed sand loaded on the truck in question.

Considering the nature of accusation and in view of the fact that the petitioner has brought challan on affidavit before this Court coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram Muffasil P.S. Case No. 1368 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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