

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1448 of 2018

Arising Out of PS. Case No.-68 Year-2017 Thana- POWAKHALI District- Kishanganj

Md. Ibrahim Son of Late Mojibur Rahman, resident of Village- Patkhai, P.S.-
Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Satyendra Prasad Singh, S/o Rampati Singh, R/o Haritpur, P.S.- Nokha,
District- Rohtas, at present- Mines Inspector Cum Competent Officer,
Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Sinha, Adv. Mr. Pankaj Kumar Sinha, Adv.
For the Mines	:	Mr. Naresh Dikshit, Adv. Mr. Braj Bihar Tiwary, Adv.
For the State	:	Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 379 of the IPC and Sections 75, 76, 77, 78, 79 and 80 of the Bihar Minor Minerals Rules, 2017.

The prosecution case is that on 15.10.2017 at 7 PM, during vehicle check, the informant being the Inspector of Mines Department, stopped two tractors loaded with 150 CFT sand, hence, seizure was made. The petitioner is the owner of one of the seized tractor.

It is submitted by learned counsel for the petitioner that though, the sand was being carried on the basis of valid



purchase, but the purchase invoice was not provided by the vendor of the sand. It is not the case of the prosecution that the petitioner was driving the vehicle in question. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, operation of the Bihar Minor Minerals Rules, 2017 has been stayed by an order passed by the Division Bench of this Court in C.W.J.C. No. 15965 of 2017 (Pushpa Singh Vs. State of Bihar and Ors).

It is further submitted that the FIR reflects that total loss to the tune of Rs. 6,000/-, has been caused hence the petitioner is ready to make payment of Rs. 3,000/- before the learned Court below, though, in the impugned order and in the petition, it has inadvertently been typed that the petitioner is ready to pay Rs. 6,000/-.

Considering the nature of accusation and the present stand of the petitioner that he is ready to deposit Rs. 3,000/- before the learned Court below, let the above named petitioner 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 thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection



with Powakhali P.S. Case No. 68 of 2017, subject to the
condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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