

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71967 of 2018

Arising Out of PS. Case No.-186 Year-2018 Thana- BARUN District- Aurangabad

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1. Sangeeta Devi, W/o Bikash Kumar Singh, R/o Village- Karaya, P.S.- Risiyap, District- Aurangabad (Bihar).
 2. Amrendra Paswan, S/o Janardan Paswan, R/o Village- Santhua, P.S.- Risiyap, District- Aurangabad (Bihar).

... .. 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

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-12-2018 The petitioners seek bail in anticipation of their arrest in connection with Barun P.S. Case No. 186 of 2018 dated 02.09.2018 instituted for the offences 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 Air (Prevention and Control of Pollution) Act, 1981.

Four tractors with trailers were found loaded with sand which had been extracted unauthorizedly, was intercepted by the Government machinery. The petitioner No. 1 is stated to be the owner of one of such tractors



whereas petitioner No. 2 is stated to be the driver of petitioner No. 1.

The learned counsel for the petitioners has submitted that their implication in the present case is absolutely without any basis. In fact, petitioner No. 1 had given her tractor to a person for being plied for earning profits with specific instructions that no law should be breached under any account. Petitioner No. 2 was in the employment of petitioner No. 1 but for some time, he has not been operating as her driver. The person who had loaded the sand on the trailer of the tractor of petitioner No. 1 ran away from the place of occurrence. Since the tractor which was intercepted was found to be unattended, in that event, the possibility of false implication of the petitioners cannot be ruled out.

Regard being had to the aforesaid facts as also taking into account that petitioners do not have any criminal antecedents, the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, are directed to be



released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousands) each 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. 186 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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