

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27309 of 2018

Arising Out of PS. Case No.-69 Year-2018 Thana- BARUN District- Aurangabad

=====

Birendra Prasad @ Birendra Bind, son of Laxuman Prasad, resident of
Village- Deodih, P.S.- Chenari, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-05-2018 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 379/420/34 of the Indian Penal Code, Rules 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 15 of the Environment (Protection) Act, 1986.

Prosecution case got initiated on the basis of written report dated 01.04.2018 submitted by the Mining Development Officer, Aurangabad, to the Barun Police Station is to the effect that on 01.04.2018, 7.10 A.M. raided Kochar Balu Ghat, where 35 tractors loaded with sand were found parked. On arrival of the police, the drivers of the tractors after unloading the sand from the tractors started escaping from the scene. However, the



police chased them, but they succeeded to escape from the scene, 29 tractors were intercepted and the petitioner is driver of one of tractors.

It is submitted by learned counsel for the petitioner that the petitioner was not aware about the tractor being used. It appears unreasonable that the drivers after unloading the tractors escaped from the scene. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that illegal mining is causing huge loss to the state exchequer.

Considering the rival submission of the parties since the petitioner is driver of the tractor in question and there is nothing on record to suggest that petitioner was present at the place of occurrence, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad, in connection with Barun P.S. Case No.69 of



2018, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

