

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.61621 of 2018**

Arising Out of PS. Case No.-204 Year-2018 Thana- PAKARIBARAW District- Nawada

Ravi Shankar Kumar, S/o Sanjiv Kumar, Resident of Village- Noma, P.S.-  
Halsi, District- Lakisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Deepak Kumar, Adv.       |
| For the Opposite Party/s | : | Mr. Nand Kishore Pd, Adv.    |
| For Dept. of Mines       | : | Mr. Brij Bihari Tiwari, Adv. |

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      10-12-2018                      Heard learned counsels for the petitioner and the  
  
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 379 of the IPC, Sections 4/40 of Bihar Minor Mineral Concession Rule, 1972, Section 21 of Mines & Mineral (Development & Regulation) Act, 1957., Rule 3/8 of Bihar Mineral (Prevention of illegal mining, transportation & storage) 2003 and Section 15 of Environment Protection Act.

The prosecution case is that a tractor loaded with sand was intercepted, by the informant and on demand of the valid permit and other documents, nothing was produced by the driver of the said tractor. The petitioner is alleged to be the owner of the tractor in question.

It is submitted by the learned counsel for the petitioner that



the sand was transported with a valid challan. 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 the learned counsel for Mines that the petitioner is the owner of the tractor and due to the illegal transportation of sand, huge loss is being caused to the public exchequer.

Considering the fact that petitioner was not on the tractor in question when the validity of challan is still under scrutiny coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 **Judicial Magistrate 1<sup>st</sup> Class, Nawada** in connection with **Pakribarawan P.S. Case No. 204 of 2018** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Deepak/Rahul/-

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