

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71753 of 2018

Arising Out of PS. Case No.-212 Year-2018 Thana- WARISLIGANJ District- Nawada

Kamlesh Yadav, Son of Banaras Yadav Resident of Village-Maluka Bigha,P.S.
Warisaliganj,Distt.-Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Mines, Government of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar
For the Opposite Party/s	:	Mr.Bal Mukund Prasad Sinha
For Mines	:	Mr. Naresh Dikshit and Kalpana

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Learned counsel for the petitioner is permitted to
implead the Department of Mines as O.P. No. 2.

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 143,144,337,332,333,353 and 379 of the IPC, Sections 4.40 of the Bihar Minor Mineral Concession Rules, 1972, Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, Rules 3 and 8 of Bihar Mineral (Prevention of illegal mining, Transportation and Storage) Rules, 2003 and Section 15 of Environment Protection Act, 1986.

The prosecution case as per the self statement of Mrityunjay Pd. Singh, SHO, Warisaliganj Police Station is to the



effect that on 25.6.2018 at 9.30 P.M. the informant received a secret information that some persons are loading illegal mines on trucks and tractors near Sour Chandipur Middle School. Thereafter, the informant constituted a police team and reached the place and as soon as the informant reached on the spot, the accused persons escaped, but one of the persons was apprehended who disclosed his name as Kamlesh Kumar and he claimed himself to be the cleaner of the truck. He also suggested the names of the persons who escaped from the scene including the petitioner. It is further alleged that from the spot one truck and one motorcycle were seized.

It is submitted by learned counsel for the petitioner that the petitioner is the cleaner of Sonalika tractor which was not seized but only on the confession of a co-accused, the petitioner has been roped in the present case. It is further submitted that though the petitioner is accused in one other case but he is on bail in that case.

It is submitted by learned counsel for the Mines that due to illegal mining huge loss is being caused to the public exchequer.

Considering the circumstantial nature of accusation, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing



bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM II, Nawada, in connection with Warisaliganj P.S. Case No.212 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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