

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44392 of 2018

Arising Out of P.S.C.ase No. -120 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Rajnikant Dubey S/o Pramod Kumar Dubey, R/o Vill.- Jhumardihra,
P.S.- Barun, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioner as well as

the State.

The petitioner apprehends his arrest in Barun P.S.
Case No. 120/2018, instituted for the offences punishable under
Sections 379, 411, 420/34 of the Indian Penal Code, Sections 4
and 40 (BMMCR) Bihar Minor Mineral Concession Rules, 1972
as well as Section 15 of Environment Protection Act, 1986.

Learned counsel for the petitioner has submitted that
it is alleged in the written report that the Anchal Adhikari and the
S.H.O., Barun raided Enikat Balughat and found 12 tractors
engaged in illegal mining and trafficking of sand. The petitioner is
said to be the owner-cum-driver of the said tractor bearing Engine
No. 331008, which is mentioned at serial no. 8 of the seizure list.



Other accused persons have already been granted anticipatory bail by this court vide order dated 27.07.2018 passed in Cr. Misc. No. 44018/2018.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Barun P.S. Case No. 120/2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J.)

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