

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44432 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -BARUN District- AURANGABAD

=====

1. Ashok Singh, S/o Gorkh Singh, R/o Village- Bahuriya Bigha, Mallu Khaira, P.S.- Barun, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. The State of Bihar through the Principal Secretary-cum-commissioner Department of Mines and Geology Government of Bihar, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-08-2018 Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in Barun P.S. Case No. 49/2018, instituted for the offences punishable under Sections 379, 411, 420 and 120B/34 of the Indian Penal Code read with Sections 4, 40 of the Bihar Mines and Minerals Concession Rules, 1972 and Section 15 of the Prevention of Pollution Act, 1986.

It is alleged in the written report that total 19 tractors loaded with sand were seized. Out of 19, 14 drivers have been apprehended and five drivers managed to flee away.

Learned counsel for the petitioner has submitted that



the petitioner is a driver of one of the aforesaid tractors. There is no independent witness in the seizure-list. The person from raiding party has become the seizure-list witness. Other co-accused with similar allegation have already been granted anticipatory bail by this Court vide Cr. Misc. No. 34123/2018 dated 25.06.2018 and Cr. Misc. No. 43387/2018 dated 27.07.2018.

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. 49/2018, 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.)

Rakhi

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

