

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57454 of 2018

Arising Out of PS.Case No. -116 Year- 2018 Thana -BARUN District- AURANGABAD

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Jogendra Paswan @ Jugendra Paswan S/o Shyam Narayan Paswan, R/o
Vill.- Sawan Dihari, P.S.- Khudwan, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary cum Commissioner Department of Mines and Geology, Government of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate.

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with Barun P.S.Case No. 116 of 2018 registered under Sections 379, 411, 420 & 34 of the Indian Penal Code and Section 4/40 Bihar Mines and Minerals Concession Rules, 1972 & Section 15 of Prevention of Pollution Act, 1986.

It is submitted by the learned counsel for the petitioner that several other co-accused having identical allegation have already been granted pre-arrest bail by this Court. In support of his submission, he has produced photo-copies of the orders



dated 20.07.2018 & 24.07.2018 passed in Cr. Misc. No. 43879 of 2018 & Cr. Misc. No. 42701 of 2018 respectively whereby co-accused Rajendra Prasad Gupta, Upendra Sah @ Upendra Kumar Sah, Sujit Kumar Kamal, Rahul Kumar Deo @ Rahul Kumar, Seema Devi, Dhirendra Kumar, Pankaj Kumar, Manoj Kumar Singh and Lal Bihari Yadav have been granted pre-arrest bail. He contended that the case of the petitioner stands on identical footing to those who have already been allowed pre-arrest bail. He further contended that the petitioner has got no criminal antecedent and he was not present when his tractor was seized by the police and the officials of the Mines Department.

Learned counsel for the State opposed the application for grant of pre-arrest bail. However, he does not dispute the factum of grant of pre-arrest bail to several other accused persons of this case whose case stands on identical footing.

Considering the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with



Barun P.S.Case No. 116 of 2018 subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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