

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18376 of 2018

Arising Out of PS.Case No. -61 Year- 2018 Thana -SIRDALA District- NAWADA

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1. Rekha Devi, wife of Dilip Kumar, resident of village-Akauna, P.S.-Sirdala, Dist.-Nawada.
2. Santosh Kumar Yadav @ Santosh Kumar, son of Ramnandan Yadav, resident of village-Ghiraund, P.S.-Sirdala, Dist.-Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 12-04-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Sirdala P.S. Case No.61 of 2018 registered under Sections 379 of the Indian Penal Code, Section 4/40 of Bihar Minor & Mineral Concession Rule, 1972, Rule 3 of Bihar Mineral (Prevention of Illegal Mining, Transportation and Storage), 2003, Section 21 of Mines and Mineral (Development & Regulation) Act, 1957 and Section 15 of Environment



Protection Act, 1986.

It is submitted that the petitioners have not been made accused by name rather in the FIR it has been stated that the owner and the driver of the vehicle were responsible for carrying illegally mined sand. It is submitted that neither the petitioners were arrested on the spot nor there is anything to suggest that they were involved in illegal mining or illegal trade of sand. The vehicle on which sand was loaded was with valid challan and proper receipt, but no opportunity was given to the petitioners to show their bona fide and on vague allegation, they have been made accused. He submitted that the petitioners have no criminal antecedent and having roots in the society, they are not likely to abscond or tamper with the evidence.

On the other hand, learned counsel for the State opposed the application for grant of bail to the petitioners. She submitted that the vehicle was found on road loaded with sand and there is none to produce papers to support that the vehicle was engaged in carrying legally mined sand.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are



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 A.C.J.M.-V, Nawada in connection with Sirdala P.S. Case No. 61 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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