

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44380 of 2018

Arising Out of P.S.C.ase No. -116 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Baban Singh, S/o Kashi Singh,
2. Suresh Singh S/o Late Hira Singh, R/o Vill.- Dhankatha, P.S.- Sasaram
Muffasil, District- Rohtas (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioners as well as
the State.

The petitioners apprehend their arrest in Barun P.S.
Case No. 116/2018, instituted for the offences punishable under
Sections 379, 411 and 420 of the Indian Penal Code, Section 4 and
40 of BMMCR Act, 1972 and Section 15 of Environment
Protection Act, 1986.

It is alleged in the written report that raid was
conducted on different places between the territorial jurisdiction of
Barun Police Station and 27 tractors were found engaged in illegal
mining and trafficking of sand.

Learned counsel for the petitioners has submitted that
the petitioners are owner and driver of Tractor No. BR 24G 8984,



as mentioned at serial no. 4 of the seizure-list. Sand was not loaded on the said tractor. Sections levelled in the F.I.R. are not applicable in the instant case.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Barun P.S. Case No. 116/2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each 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) petitioners 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 petitioners and (3) if petitioners 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 petitioners.

(Sanjay Priya, J.)

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