

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55429 of 2018

Arising Out of PS.Case No. -136 Year- 2018 Thana -BARUN District- AURANGABAD

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Akhilesh Kumar S/o Ranjeet Chaudhary R/o Village - English, P.s. -
Barun, 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 Adv
For the Opposite Party/s : Mr. Naresh Dikshit, Spl. PP Mines

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379/411/420/34 IPC, Section 4/40 of the Bihar Mines and Minerals Concession Rules, 1972 and Section 15 of the Prevention of Pollution Act, 1986 registered in connection with Barun P.S. Case No. 136/18.

3. It is submitted that the petitioner has been falsely implicated in connection with illegal mining of sand. Similarly situated co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 47179 of 2018 and Cr. Misc. No. 50281 of 2018. The petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances, as such, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 136/18, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- (i) That one of the bailors shall be a close relative of the petitioner.
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- (iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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