

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53823 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- BARUN District- Aurangabad

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1. Ramadhar Kumar, Son of Bhikhari Singh
 2. Arjun Singh, Son of Ramdeo Singh
 3. Jimmedar Singh, Son of Late Prasad Singh
- All residents of Village - Chander Bigha, P.S. - Barun, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Dr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Barun P.S. Case No. 132 of 2018 for the offence under Sections 379, 411, 420/34 of the Indian Penal Code, Section 4/40 of Bihar Mines Minerals Concession Rule and Section 15 of the Environment Protection Act.

Learned counsel for the petitioner submits that except petitioner no.1, there is no criminal antecedent against petitioner nos. 2 and 3.

Considering the fact that petitioner nos. 2 and 3 have got no criminal antecedent and they are the owner and Driver of the Tractor as allegedly involved in the illegal mining of sand,



the petitioner nos. 2 and 3, namely, Arjun Singh and Jimmedar Singh, in the event of arrest or surrender before the court below within one month from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 132 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner no.1, namely, Ramadhar Kumar, is concerned, the Court is not inclined to grant privilege of anticipatory bail. Accordingly, the prayer for grant of anticipatory bail is rejected.

In the event, the petitioner no.1 surrenders before the court below and prays for regular bail, the court below is directed to dispose of the application for grant of bail on the same day on its own merit without being influenced by the rejection of anticipatory bail application by this Court.

(Anil Kumar Upadhyay, J)

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