

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58377 of 2018

Arising Out of PS. Case No.-98 Year-2017 Thana- KHARHAGPUR District- Munger

Bipin Kumar Rajak, son of Parmeshwar Rajak, resident of Situhar, P.S. Kharagpur, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Mines Department, State of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-12-2018

Heard learned counsel for the petitioner and learned A.P.P. for the State. Though notice was served on opposite party no. 2 through the Special P.P., Department of Mines, Government of Bihar, and name also appearing in the cause list, nobody was present when the matter was taken up and heard.

2. The petitioner apprehends arrest in connection with Kharagpurl P.S. Case No. 98 of 2017 instituted under Sections 379, 411 of the Indian Penal Code and Section 4/40 of Bihar Minor Mineral Concession Rules, 1972.

3. The allegation against the petitioner and other unknown is of illegal mining of sand.

4. Learned counsel for the petitioner submitted that he is not named in the F.I.R. but has been described as owner driver. It was further submitted that the petitioner is the driver and not the owner which can be verified from the registration and insurance



certificate. It was submitted that the petitioner had taken the vehicle from the owner to bring cement from the market. It was further submitted that the petitioner was not transporting any illegal sand.

5. Learned A.P.P. submitted that the trailer of the tractor was being loaded with sand by two persons and when the police came near, they fled away. It was submitted that once the petitioner accepts that he was the driver and the trailer had sand on it, his defence that he had taken the tractor and trailer from the owner for transporation of cement stands falsified.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Nasimul/-

AFR/NAFR	
CAV DATE	
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