

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66553 of 2018

Arising Out of PS. Case No.-254 Year-2018 Thana- RAMNAGAR District- West Champaran

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1. Munna Kumar, S/o Gopalji Rai, Resident of Village- Yadav Chapar, P.S.- Chanpatia, Dist- West Champaran.
 2. Raj Kumar Jha, S/o Suryanath Jha, Resident of Village- Jabdaul, P.S.- Chanpatia, Dist- West Champaran.
 3. Alok Kumar, S/o Arbind Singh, Resident of Village- Pokhariya, P.S.- Chanpatia, Dist- West Champaran.
 4. Jai Shankar Prasad Singh @ Jai Shankar Pd. Singh, S/o Sushil Prasad Singh, Resident of Village- Ujjain Tola, P.S.- Bettiah Town, Dist- West Champaran.
 5. Dharendra Kumar Thakur, S/o Hridayanand Thakur, Resident of Village- Jokaha, P.S.- Bettiah Muffasil, Dist- West Champaran.
 6. Momtaz Ahmad @ Mumtaj Ahmad, S/o Late Suleman Mian, Resident of Village- Hirapakad, P.S.- Manuapul, Dist- West Champaran.
 7. Bhrigun Mahto @ Bhirgun Mahto, S/o Banshi Mahto, Resident of Village- Turhapatti, P.S.- Chanpatia, Dist- West Champaran.
 8. Sugandhi Devi, W/o Santosh Tiwari, Resident of Village- Kundwa Mathia, Tola Bakuchiya, P.S.- Chanpatia, Dist- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Mining Development Officer, Bettiah, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Roy, APP



CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 14-12-2018 The petitioners seek bail in anticipation of their arrest in connection with Ramnagar P.S. Case No. 254 of 2018, dated 09.08.2018, instituted for the offences under Section 379 of the Indian Penal Code, Rules 40(4) (5) (7) and (8) of the Bihar Minor Mineral Concession Rules, Section 3, 4, 6 and 8 of Minor and Mineral (D & R) Act and Section 21 of the Environment Protection Act.

The petitioners are owners of some of the tractors which have been seized while carrying sand in an unauthorized manner.

The learned counsel for the petitioners has submitted that only on the disclosure of the lessees of the areas from where sand had to be extracted, the petitioners permitted their vehicles to load sand. The petitioners, therefore, have been made accused in this case only on the basis of their being owners of the vehicles on which sand was loaded.

It has further been submitted on behalf of the petitioners that under similar circumstances, one of the



tractor's owner, viz., Rajeshwar Yadav, has been granted anticipatory bail by a Bench of this Court *vide* order dated 04.12.2018 passed in Cr. Misc. No. 71998 of 2018.

Regard being had to the aforesaid facts as also taking into account that the petitioners above named have not been made accused in case of similar nature earlier, they, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 254 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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