

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43663 of 2018

Arising Out of PS. Case No.-116 Year-2018 Thana- BARUN District- Aurangabad

-
1. Bhagirathi Kumar, S/o- Ram Naresh Singh @ Naresh Singh, R/o Village- Mirzapur, P.S.- Telauthu, District- Rohtas (Bihar).
 2. Bijendra Kumar, S/o-Dharamraj Singh, R/o- Village- Patpura, P.S- Indrapuri, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar, through The Principal Secretary Cum Commissioner
Department of Mines and Geology, Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh
For the Opposite Party/s : Mr. Naresh Dikshit (Spl. P.P. Mines)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2018 Heard learned counsels for the petitioners and

Department of Mines.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379, 411 and 420/34 of the Indian Penal Code, Rules 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 15 of the Environment (Protection) Act.

The prosecution case as per the written report, of Mines Development Officer dated 20.06.2018, Aurangabad submitted to the Station House Officer, Barun police Station is to the effect that on the same day at 11 AM, a raid was conducted to check the illegal mining and its transportation,



leading to seizure of 27 tractors loaded with the sand including the tractor of the petitioners, which finds place in the FIR at serial no. 6 of the list of all seized tractors.

It is submitted by learned counsel for the petitioners that petitioner no.1 is the owner and petitioner no.2 is the driver of the tractor in question. It is admitted that petitioner no.1 was not driving the tractor in question. The driver was in process of getting the challan issued when the raid was conducted. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the Mines that due to illegal mining and its transportation, huge loss has been caused to the public exchequer.

Considering the nature of accusation, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Barun P. S. Case No. 116 of 2018, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioners shall be accepted on filing affidavit that they will regularly co-operate during investigation. Non-cooperation of the petitioners during investigation will give liberty to the prosecution to file an application for cancellation of bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

