

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5860 of 2019

Arising Out of PS. Case No.-516 Year-2018 Thana- AMARPUR District- Banka

Sachchida Nand Singh @ Sachida Nand Singh(m) aged about 40 years, Son of Karpuri Singh, Resident of Village- Moulanachak, P.S. Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Abhay Kumar
For the Mines : Mr. Naresh Dikshit, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned Counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Sections 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972 and Sections 3,6 and 8 of Bihar Minerals (Prevention of illegal-Mining, Transportation and Storage) Rules, 2003.

The prosecution case as per the written report of Mines Inspector-cum-competent authority, Banka submitted to SHO, Amarpur Police Station is to the effect that in the premise of the



petitioner, 500 cft illegal sand was found and in front of the house on the other side of the road, 5000 cft of illegal sand was found.

It is submitted by learned counsel for the petitioner the sand in question was purchased by the petitioner for the purpose of construction of the house. There is no allegation that the petitioner was involved in illegal mining. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the mines that due to illegal mining and transportation of the sand, huge loss has been caused to the public exchequer and the petitioner failed to show any paper with regard to purchase of the sand.

Considering the nature of accusation, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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, Banka** in connection with **Amarpur P.S. Case No.516 of 2018** , subject



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

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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