

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4177 of 2019

Arising Out of PS. Case No.-227 Year-2018 Thana- BARUN District- Aurangabad

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1. Birendra Sharma, son of Nayan Sharma Resedent of Village-Pipardih, P.S.- Thandwa, District- Aurangabad.(Bihar)
 2. Surendra Kumar, son of Baban Prasad Resedent of Village-Pipra, P.S.- Barun, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar and anr Bihar
2. The Principal Secretary Cum Commissioner Department of Mines And Geology, Government of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Barun P.S. Case No.227 of 2018, registered for the offence punishable under Sections 379, 411, 420/34 of the Indian Penal Code, Section 4, 40 of Bihar Mines and Minerals Concession Rules, 1972 and Section 15 of Prevention of Pollution Act, 1986.

Allegation has been made that the petitioners along with others were illegally lifting the sand from the river without any valid challan.

Learned counsel for the petitioners submits that they



are owner and driver of the tractor. The petitioners have got no criminal antecedents.

Considering the aforesaid facts, let the petitioners , above-named, be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the the Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No.227 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with a condition that if the petitioners, after their release in this case, are again found involved in similar nature of cases then the concerned court would be at liberty to take steps for cancellation of their bail bonds.

(Shivaji Pandey, J)

V.K.Pandey/-

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