

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5946 of 2019

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

1. Rama Devi, aged about 43 years, Female, wife of Birendra Patel, resident of village Barwat Pasrain Kharsal No. 2 P.S. - Bettiah Muffasil, District West Champaran.
2. Pramod Ram, aged about 40 years, son of Ram Sundar Ram, Resident of village- East Kargahiya, P.O. Barwat Pasrain, P.S.- Bettiah Mufassil, District West Champaran.
3. Md. Farman Khan @ Farman Khan, aged about 40 years, son of Md. Yasin Mistri, Resident of Village Basant Tola, P.S.- Bettiah Town, District West Champaran
4. Prabhu Kumar, aged about 31 years, son of Late Siharam Prasad, Resident of village - Chargaha, Ward No.- 3, P.S. Bettiah Mufassil, District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta
For the Opposite Party/s : Mr. Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

2 04-02-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379 of the Indian Penal Code, 1860, Rule 40 (4), (5), (7), (8) of the Bihar Minor Minerals Concession Rules, 1972, Rule 3, 4, 6, 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, Rule 21 of the Mines and Minerals (Development & Regulation) Act, 1957 and Section 15 of the Environment Protection Act, 1986.

Allegation against the petitioners is of illegal mining



of sand.

Submission is that co-accused Rajeshwar Yadav, having identical allegation, has already been allowed anticipatory bail by a Coordinate Bench of this Court vide order dated 04.12.2018 passed in Cr. Misc. No. 71998 of 2018 (Annexure 2).

Considering the aforesaid fact, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ramnagar Police Station Case No. 254 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

Kundan/Rajan

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