

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5716 of 2019

Arising Out of PS. Case No.-151 Year-2018 Thana- TELHARA District- Nalanda

Lorik Kewat, Son of Amrit Kewat, driver of Power Trailler No. E-3330137,
Resident of Village - Telhara Tarpar, Police Station - Telhara, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey (App83)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2019 Learned counsel for the petitioner is permitted to
implead the Department of Mines as Opposite party no.2.

Heard learned counsels for the petitioner and Spl.
P.P. Mines.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 379, 411 and 188 of
the IPC, Sections 4 and 40 of the Bihar Minor Mineral
Concession Rules and Section 4(1A) Mines and Minerals
(Development and Regulation) Act.

The prosecution case, as per the written report of Sanjeev
Kumar Sinha, Enforcement Officer, dated 25.09.2018,
submitted to the Station House Officer, Telhara Police Station, is
to the effect that on the same day, during patrolling in relation to
illegal mining, two tractors and one power trailer were



intercepted, loaded with sand. The driver of the power trailer escaped from the scene, whereas the drivers of the tractors were arrested, who disclosed the name of the petitioner as the person who escaped from the scene.

It is submitted by learned counsel for the petitioner that the petitioner is the driver of the power trailer and he was carrying soil from his own land. It is further submitter that apprehended co-accused, Sintu Kumar has been granted bail by a Benches of this Court, vide order dated 28.01.2019, passed in Cr. Misc. Nos. 473 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the Department of Mines submits that the name of the petitioner sprang up on the confession of apprehended co-accused persons.

Considering the nature of accusation, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected in connection with Telhara P.S. Case No. 151 of 2018, pending in the court of learned ACJM, Hilsa, Nalanda.

However, let the learned Court below consider the



prayer for regular bail of the petitioner, without being prejudiced
by the order of this Court if he surrenders within a of six weeks.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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

