

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6332 of 2019

Arising Out of PS. Case No.-775 Year-2018 Thana- LAKHISARAI District- Lakhisarai

ROHIT KUMAR (M), aged about 22 years, son of Ram Pravesh Singh
Village - Rampur, P.S.- Surajgarha, Distt.- Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Adv. Mr.Parmanand Narain Sahi, Adv.
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad, APP
For the Dept. of Mines	:	Mr. Naresh Dikshit, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 30.11.2018 in a case registered for the offence punishable under Sections 279, 427,307,379,411,353 of the Indian Penal Code and Rules 4, 40 of the Bihar Minor Mineral Concession Rules, 1972 and Rules 4, 6 and 8 of the Bihar Minerals (Prevention of illegal Mining, Transportation and Storage) Rules, 2003.

The prosecution case got initiated on the basis of written report dated 30.11.2018 submitted by A.S.I. Fasi Ahmad to the Station House Officer, Lakhisarai Police Station is to the effect that on 29.11.2018 at 10.30 P.M., when the informant was performing his duty on a police check post to



stop the illegal trafficking of sand, one tractor despite seeing the signal to stop given by the police, tried to cross the barricading of police and consequently, dashed one Scorpio vehicle. However, immediately, the truck was intercepted and the driver-cum-owner of the vehicle was apprehended who disclosed his name as Rohit Kumar, the petitioner. On demand being made by the police party, the petitioner failed to produce any document with regard to the sand being carried on the tractor in question.

It is submitted by learned counsel for the petitioner that the petitioner, being the driver-cum-owner of the tractor in question was carrying the sand of someone else. It is further submitted that no injury was caused to anyone and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that due to illegal mining huge loss is being caused to the state exchequer.

Considering the nature of accusation, the period under custody, 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
CJM, Lakhisarai, in connection with Lakhisarai P.S. Case
No.775 of 2018.

(Dinesh Kumar Singh, J)

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