

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7711 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- MUFFASIL District- Aurangabad

Shashi Shankar, aged about 31 years, Male, Son of Dinanath Singh, Resident of Village-Bharauthauli, P.S.- Muffasil, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 106 of 2018 registered for offences under sections 379, 411, 420/34 of the Indian Penal Code and Section 4/40 (BMMCR) Bihar Minor Mineral Concession Rules- 1972 and Section 15 of the Environment Protection Act, 1986.

A raid was conducted by police at the Balu Ghat, Raipura. In course of raid, 8-10 tractors loaded with sand were found. Seeing the raiding party, the accused persons tried to flee away but, three tractors were seized by the police.

Learned counsel for the petitioner submits that the petitioner is the owner cum driver of the tractor bearing registration no. BR 44G 6079 but, has got no criminal antecedent.

Looking to the entire facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or



surrender before the court below within a period of four weeks from today, 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 Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S. Case No. 106 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

However, at the time of accepting bail bonds, the court below will verify and ensure itself regarding criminal antecedent of the petitioner and if it is found that the petitioner has clean antecedent, his bail bond will be accepted but, if it is found that the petitioner is involved in any other case before filing of the present case i.e. 7.2.2019, then he would not be released.

(Shivaji Pandey, J)

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