

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10041 of 2019

Arising Out of PS. Case No.-181 Year-2018 Thana- Pakaribaraw District- Nawada

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1. Sanjit Kumar, S/o Shyamli Singh Resident of Mafi,P.S-Warsaliganj, Distt.-Nawada.
 2. Santosh Kumar S/o Ganesh Singh @ Ganesh Prasad Singh Resident of Mafi,P.S-Warsaliganj, Distt.-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-03-2019 Heard the learned counsel for the petitioners and

the State.

The petitioner had earlier approached this Court vide Cr. Misc. No. 69018 of 2018, but the petition was permitted to be withdrawn in order to enable the petitioners to prefer a fresh and an appropriately drafted bail petition. Unfortunately, even in the present instance, no relevant inputs have been provided in the bail petition.

In any view of the matter, this Court discerns that the petitioners seek bail in anticipation of their arrest in connection with Pakribarawan P. S. Case No. 181 of 2018



dated 12.07.2018 instituted for the offences under Section 379 of the Indian Penal Code; Sections 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972; Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957; Sections 3 and 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003; and Section 15 of the Environment Protection Act, 1986.

Three tractors were intercepted which were found to be loaded with sand. The petitioners are owners of the two of the aforesaid three intercepted tractors. Though it has not been stated in the bail petition but has been orally argued that the drivers of the aforesaid tractors were given clear instructions by their owners/petitioners not to breach any law with regard to lifting, transportation or extraction of sand. The petitioners were absolutely unaware of their vehicle having been used in an unauthorized manner.

Apart from this, the learned counsel for the petitioners has also orally submitted that an attempt was made by the drivers of the vehicles in question to show to the concerned authority that the sand was lifted against a



valid challan, but the subject F.I.R. was lodged in a haste and in a wily manner.

Considering the afore-stated facts and taking into account the clean antecedents of the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Kumar Abinash, J.M., 1, Nawada in connection with Pakribarawan P. S. Case No. 181 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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