

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10614 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- BARUN District- Aurangabad

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1. Ajay Kumar, S/o Ram Chandra Yadav @ Ramchandra Singh, R/o Village- Chamar Diha, P.S.- Aurangabad, District- Aurangabad.
 2. Arun Kumar, S/o Awadh Bihari Singh, R/o Village- Abdumpur, P.S.- Khodwan. District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lal Bahadur Singh, Adv.
For the Opposite Party/s	:	Mr. Pancha Nand Pandit, APP
For the D.O.M.	:	Mr. Naresh Dikshit, Adv.
		Mr. Brij Bihari Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379, 411 and 420/34 of the Indian Penal Code, under Rules 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and under Section 15 of the Environmental Protection Act.

The prosecution case as per the written statement of Rakesh Ranjan Jha, Mining Development Officer, Aurangabad submitted to the S.H.O., Barun P.S. is to the effect that in a joint raid conducted on 07.07.2018, four tractors carrying illegal mining sand were intercepted. It is further alleged that the petitioners are owner and driver of one of the seized tractors.



It is submitted by learned counsel for the petitioners that the petitioners were simply transporting the sand after purchasing that from a contractor. Moreover, the accusation does not suggest that the petitioners were found conducting the illegal mining of the sand and considering the same co-accused, Amresh Kumar and Ajit Kumar have been granted anticipatory bail by a Co-ordinate bench of this Court, vide order dated 08.10.2018, passed in Cr. Misc. No. 55997 of 2018 and co-accused, Sushil Kumar and Ravi Ranjan Kumar, have been granted anticipatory bail by a Co-ordinate bench of this Court, vide order dated 14.08.2018 passed in Cr. Misc. No.47148 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that due to illegal mining and transportation of illegal mined sand, huge loss is being caused to the public exchequer.

Considering the fact that the accusation does not suggest any evidence of illegal mining being conducted by the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on



anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **C.J.M., Aurangabad**, in connection with **Barun P.S. Case No.133 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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