

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17267 of 2019

Arising Out of PS. Case No.-209 Year-2018 Thana- DHURAIYA District- Banka *

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Doodhnath Mahto, S/o Yadu Mahto Resident of Village- Maheshpur, P.S.-
Sanhoula, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 and 411 of the IPC and Rules 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972.

The prosecution case is that on 05.10.2018 at about 5 A.M., a tractor loaded with sand was intercepted and on seeing the police party, the driver of the said tractor managed to flee away, subsequently, the tractor was seized. It is alleged that the petitioner is the owner of the alleged tractor.

It is submitted by learned counsel for the petitioner that admittedly, the petitioner was not present when the tractor was intercepted. Moreover, the petitioner had no knowledge about



the sand being loaded on his tractor, hence recovery of the sand cannot be treated from the conscious physical possession of the petitioner. 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 due to illegal mining of sand and its transportation, huge loss has been caused to public exchequer.

Considering the fact that the petitioner is the owner of the alleged tractor and he was not present when the tractor was intercepted, coupled with the 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 anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 209 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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