

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.20205 of 2019**

Arising Out of PS. Case No.-17 Year-2019 Thana- BARUN District- Aurangabad

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Madan Prasad @ Madan Prajapati, aged about 60 years, Male, Son of Motilal Prajapati, Resident of Village - Barun, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Cum Commissioner, Department of Mines and Geology, Government of Bihar, Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**ORAL ORDER**

2      03-04-2019                      The petitioner seeks bail in anticipation of his arrest in connection with Barun P.S. Case No. 17 of 2019, dated 20.01.2019, instituted for the offences under Sections 147, 149, 341, 323, 308, 353, 379, 411 and 420 of the Indian Penal Code, Sections 4/40 of Bihar Mines and Minerals Concession Rules, 1972 and Section 15 of the Prevention of Pollution Act, 1986.

Two tractors loaded with sand were intercepted and



brought to the police station. This led to an attack by about 20 to 25 unknown persons which resulted in injuries to the members of the raiding team.

The learned counsel for the petitioner has submitted that the implication of the petitioner is only on the ground that one of the tractors which was intercepted is of the petitioner. There is no evidence in the investigation report that the petitioner was present along with the mob which indulged in brick-bating and pelting of stones. The petitioner had no idea that his tractor was parked near the sand *ghat* for transporting sand.

Regard being had to the facts aforestated and the clean antecedents of the petitioner, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 17 of



2019, subject to the conditions laid down under Section  
438(2) of the Cr.P.C.

**(Ashutosh Kumar, J)**

Praveen-II/-

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