

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20872 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- BIHARSHARIF District- Nalanda

LAXAMAN KUMAR Son of Devendra Prasad Yadav, Resident of Village-
Buwanpur, P.O.- Mohanandpur, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhirendra Nath Jha
For the Opposite Party/s	:	Mr.Satya Nand Shukla
For the Mines	:	Naresh Dikshit, Spl PP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 467, 468, 471, 420 and 379 of the IPC, Rules 4 and 40 of the Bihar Minor Mining Concession Rules, 1972 and Rules 3, 4 and 6 of the Bihar Mineral (Prevention of illegal Mining, Transportation & Storage) Rules, 2003.

The prosecution case is that one tractor was intercepted carrying illegal sand and the challan produced was found to be forged. It is further alleged that the petitioner is the owner of the said vehicle in question.

It is submitted by learned counsel for the petitioner that the petitioner was not aware of the transportation of illegal sand on



the basis of the forged challan. It is further submitted that the petitioner was not present at the place, where alleged tractor was intercepted. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned Special PP for the mines submits that due to illegal transportation of sand, huge loss has been caused to public exchequer.

Considering the fact that the thrust of accusation is against the driver of the vehicle, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **CJM, Nalanda, Bihar Sharif** in connection with **Bihar P.S. Case No.42 of 2019** subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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