

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20950 of 2019**

Arising Out of PS. Case No.-27 Year-2019 Thana- BARUN District-
Aurangabad

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AJAY KUMAR, aged about 24 years, male, S/o Tapeswar Prasad R/o
village- Dhamni, P.O.- Dhamni, P.S.- Barun, District- Aurangabad, Bihar-
824112

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 379, 411, 420/34 of the Indian Penal
Code, 1860, 4/40 of Bihar Mineral Rules, 1972 and 15
Environment Protection Act, 1986 registered in connection with
Barun P.S. Case No. 27 of 2019.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be the owner of the
tractor which was found transporting sand. It is submitted that
the petitioner has valid challan in regard to *ballughat* for mining
of sand which was valid upto 10.02.2019 (Annexure-3) whereas
the allegation relates to illegal mining on 09.02.2019. The



petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 27 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. That the petitioner shall produce the challan said to



be valid upto 10.02.2019 (Annexure-3) before the learned Court below within a period of four weeks from today. The provisional bail shall be confirmed upon verification. In case such challan was not produced by the petitioner within the stipulated date or the same was not found verifiable, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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