

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22861 of 2019

Arising Out of PS. Case No.-186 Year-2018 Thana- BARUN District- Aurangabad

1. Sunil Saurabh @ Sumit Saurabh, aged about 29 years, Male, Son of Sri Vinay Kumar Dubey Resident of Village - Mahavir Bigha, Dehri, P.O. and P.S.- Dehri, Distt.- Rohtas (Bihar)
2. Bhim Kumar @ Vim Kumar, aged about 30 years, Male, Son of Sri Suresh Prasad Gupta Resident of Mohalla - West Mohan Bigha, Dehri, P.O. and P.S.- Dehri, Distt.- Rohtas (Bihar)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-07-2019 No one appears on behalf of the petitioners and none appears on behalf of the State.

The petitioners are seeking anticipatory bail in connection with Barun P.S. Case No. 186 of 2018 registered under Sections 379, 411, 420/34 of the Indian Penal Code and under Rule 4 and 40 of Bihar Minor Mineral Concession rules, 1972 and under Section 15 of Environment (Protection) Act, 1986, pending in the court of learned C.J.M., Aurangabad.

This court has perused the materials available on the record. Petitioner no. 1 is the owner of the tractors whereas petitioner no. 2 is said to be the driver. The



allegations in the F.I.R. are that in course of raid four tractors were found transporting sand which is a minor mineral and when those tractors were stopped and police demanded the transport challan, the drivers of the tractors fled away. The tractors were seized and F.I.R. has been lodged under Sections 379, 411, 420/34 of the Indian Penal Code and under Rule 4 and 40 of Bihar Minor Mineral Concession rules, 1972 and under Section 15 of Environment (Protection) Act, 1986.

It appears from perusal of the petition that petitioner no. 1 is the owner of the vehicle and admittedly he was not there on the vehicle when it was allegedly stopped. According to the petitioners, the tractors were engaged in transportation of brick and were returning empty when police party raided the tractors with empty trailers and because the drivers could not show the owner book of the vehicles as those were not issued by the D.T.O. Rohtas, a false case of carrying minor minerals has been registered.

In the given facts and circumstances of the case, finding the nature of allegations and that the tractors and trailers have already been seized, this court directs that in



the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, in connection with Barun P.S. Case No. 186 of 2018, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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