

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20863 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- BARUN District- Aurangabad

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RAMBACHAN SINGH @ BACHAN SINGH Son of Deoraj Singh, Resident
of Village-Chandar Bigha, P.S-Barun, District-Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Principal Secretary cum Commissioner Department of Mines and
Geology, Govt. of Bihar, Patna. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

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

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 379, 411, 420/34 of
the Indian Penal Code, 40(1) the Bihar Minor Mineral
Concession Rules, 1972 and Section 15 of the Environment
(Protection) Act, 1986.

The prosecution case is that on 25.02.2019, the informant
being the Mining Officer, after having received a secret
informant that sand is being transported illegally, raided on the



Barun-Daudnagar road and found seven tractors indulged in trafficking of sand illegally. On seeing the raiding party, all the drivers of the tractor escaped from the scene, leading to registration of FIR against the driver and owner of the vehicles.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case. In fact, earlier the petitioner used to drive the tractor in question, but much prior to the alleged date of seizure, he left driving the tractor in question. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P.P. Mines that illegal mining is causing huge loss to the state exchequer.

Considering the claim of the petitioner that he left driving of the tractor in question much prior to the date of seizure coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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, Aurangabad in connection with Barun P.S. Case No.36 of 2019,



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

(Dinesh Kumar Singh, J)

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