

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22585 of 2019

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

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1. MD. USMAN SHEIKH @ MD. USMAN SHEKH Son of Md. Nabibaksh Sheks, Resident of Village - Bairi, P.S.- Itarhi, Distt.- Buxar.
 2. Md. Azaz Son of Ummat Rasul Resident of Village - Bairi, P.S.- Itarhi, Distt.- Buxar.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Barun P.S. Case No. 36 of 2019, disclosing offences under Sections 379, 411 and 420/34 of the Indian Penal Code, Section 4/40 of Bihar Mines and Minerals Concession Rules, 1972 and Section 15 of Prevention of Pollution Act, 1986.

The Mining Officer is said to have seized 07 tractors loaded with illegally mined sand, but neither any driver nor any owner of the tractors was found. The petitioners are owner and the driver of one of the tractors, description of which has been given at serial no.4 of the seizure list. It is, thus, an admitted



fact that petitioner no.2 was driving one of the tractors.

It has been argued on behalf of the petitioners that since they were not found present at the time of raid, they cannot be validly implicated of the offence also.

Since this is an admitted fact that petitioner no.2 was driving the tractor on which illegally mined sand was found loaded, I am not inclined to grant him the privilege of anticipatory bail.

So far as petitioner no.1, who is said to be the owner of the tractor, is concerned, since there is no allegation that illegally mined sand was being transported with his approval and knowledge, his prayer for grant of anticipatory bail is allowed. Let petitioner no.1, Md. Usman Sheikh @ Md. Usman Shekh, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 36 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may



be, as and when required and in the event of failure on his part
to appear before the court on two consecutive occasions, his
bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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