

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23150 of 2019

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

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1. MD ARSHAD, aged about 45 Years (Male), Son of Md. Jalaluddin, Resident of Village-Sheikhbigha, P.S.-Barun, District-Aurangabad.
 2. Jafar Khan, aged about 42 years (Male), Son of Hamaludin Khan, Resident of Village-Sheikhbigha, P.S.-Barun, District-Aurangabad.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-07-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Barun P.S. Case No. 36/2019 registered under Sections 379/411/420/34 of the Indian Penal Code and 4/40 of the Bihar Mines and Minerals Concessions Rules, 1972 & Section 15 of the Prevention of Pollution Act, 1986.

Learned counsel for the petitioners submits that these petitioners have no criminal antecedent and the allegations against them are only concocted and baseless. It is submitted that these petitioners are owner and driver of the tractor and at



the time of raid the petitioners were not present on the tractor. The story of fleeing away in presence of the raiding team and police party is only concocted story.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioners but no material has been placed before this court so as to demonstrate an active participation of these petitioners.

In the given facts and circumstances of the case and in the nature of allegations and the fact that these petitioners are owner and driver of the tractor having no criminal antecedent, 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 Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 36/2019, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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