

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22125 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- BARUN District- Aurangabad

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AJAY KUMAR, Son of Nandu Singh, Resident of Village-Sohda, P.S-Narari
Kala Khurd, District-Aurangabad. At present Resident of Baksama Goraul,
District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-04-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barun Police Station Case No. 49 of 2019, disclosing offences under Sections 379/420/411/34 of the Indian Penal Code, Section 4/40 of the Bihar Minor Mineral Concession Rules and Section 15 of the Pollution Control Act.

In course of a raid conducted by one Abdul Sattar Saif, Enforcement Officer of the Mines Office, Aurangabad, three tractors were seized, loaded with illegally mined sand. The drivers were not found with the tractors as they have fled away.

The petitioner is said to be the driver of one of the tractors. It has been submitted on his behalf that the petitioner



has been implicated only because he was acting under the instructions of the owner of the tractor. It has also been submitted that the petitioner has no criminal antecedent and if allowed anticipatory bail, there is no chance of tampering with the evidence.

Considering the above, this application is allowed.

Let the petitioner, namely, Ajay Kumar, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Chief Judicial Magistrate, Aurangabad, in connection with Barun Police Station Case No. 49 of 2019, subject to the condition 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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