

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.77319 of 2018**

Arising Out of PS. Case No.-30 Year-2018 Thana- CHUTIA SAHAYAK District- Rohtas

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1. Nand Kishore Gupta Son of Lakshman Sah
  2. Raj Kumar Mahto @ Raj Kumar Mehta Son of Mundrika Mahto  
Both Resident of Village-Tiura,P.S. Chutiya, District -Rohtas

... .. Petitioners

Versus

1. The State Of Bihar
2. The District Mining Officer Rohtas at Sasaram

... .. Opposite Parties

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**Appearance :**

For the Petitioners : Mr.Rajani Kant Singh, Advocate  
For the State : APP

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      17-01-2019                      Heard learned counsel for the petitioners and learned APP  
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 279, 379 and 411 of the Indian Penal Code and Rule 40(1) of the Bihar Minor Mineral Concession Rules, 1972 registered in connection with Chutiya P.S. Case No. 30 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because the tractor bearing registration no. BR24GA70400 on which sand was loaded, belonged to petitioner no. 1. As a matter of fact, the petitioner no. 1 had purchased the sand from one Bhim Singh who is owner-cum-driver of the truck bearing registration no. JH12B4202 which had valid mining challan and that the sand was required for making plaster of his house. Petitioner no. 2 is the driver of the tractor.

4. Learned APP submits that no paper whatsoever has been produced by the petitioners to support their stand regarding purchase of sand.



5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to the petitioners. The anticipatory bail petition stands dismissed.

BT/Chandran

**(Vikash Jain, J)**

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