

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24057 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- SHIVSAGAR District- Rohtas

GAURAV KUMAR Son of Ashok Kumar Singh Resident of Village - Nand
Tola Hurka, P.S.- Darihat, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The District Mining Officer, Rohtas, Department of Mining, Govt. of Bihar.
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

8 20-09-2019 As none appeared on behalf of the petitioner the matter was passed over for a few cases. However, on repeat call the petitioner was again not represented.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379/411 of the Indian Penal Code and Section 40(1) of Bihar Minor Mineral Rules, 1972 registered in connection with Shivsagar (Baddi) P.S. Case No. 33 of 2019.

3. Learned APP submits that the petitioner is the owner-cum-driver of the subject tractor from which the illegally loaded sand has been recovered. Reference is invited to para 3 of the counter affidavit filed on behalf of the District Mining Officer (OP No. 2), according to which the challan has been issued on 04.02.2019 which was two days after the date of its expiry on 02.02.2019, which clearly establishes that the challan was not genuine. Report of online verification of the challan also showed the challan to be invalid.



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

(Vikash Jain, J)

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