

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77144 of 2018

Arising Out of PS. Case No.-214 Year-2018 Thana- BARUN District- Aurangabad

Pushpa Kuer @ Pushpa Kurwar W/o Late Sunil Kumar Jaiswal, resident of
Village- Didikhali, P.S.- Durgawati, P.O.- Akohi, District- Kaimur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mrs. Meena Singh, Mr.Bhaskar Shankar, Advocates
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 379, 411, 420/34 of the Indian Penal Code, Rules 4/40 of the Bihar Minor & Mineral Concession Rules and Section 15 of the Environment Protection Act registered in connection with Barun P.S. Case No. 214 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because the petitioner, who is a lady, is the owner of the truck in question on which the sand was said to be loaded. As a matter of fact, some garbage was being loaded on the truck. The seizure list does not bear the signature of the driver of the truck which casts grave doubt about the accusation. The seizure list merely says that some sand was loaded on the truck without specifying the estimated quantity. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 214 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions--

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner will be well represented in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

BT/Chandran

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