

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30895 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- BARUN District- Aurangabad

RAJESH KUMAR GUPTA S/o Ishwar Chand Sah Resident of Village-
Chamartakiya, P.S.- Sasaram, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-05-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Barun P.S. Case No. 81 of 2019 for the offence punishable under Sections 379, 411 and 420/34 of the Indian Penal Code, Sections 4 and 40 of the Bihar Minor Mineral Concession Rules and Section 15 of the Environment Protection Act.

The petitioner is, admittedly, owner of a truck and a Hywa, bearing registration No. BR-24GB-2790 and BR-24GB-9968 respectively, which were found engaged in illegal mining of sand and its transportation.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner has been implicated only because he is the owner of the two vehicles and there is no allegation in the First Information Report that it was within his knowledge that the vehicles were being used for illegal mining



by the drivers.

Considering the above mentioned submission and the fact that the truck and the Hywa have been seized by the Mining Officials, which are liable for confiscation this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, in Barun P.S. Case No. 81 of 2019, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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