

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32745 of 2019

Arising Out of PS. Case No.-205 Year-2018 Thana- BARUN District- Aurangabad

Abhishek Kumar S/o Nand Kishor Singh R/o village- Dubey Bigha, P.O.-
Kara, P.S.- Obra, Distt.- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Mishra

For the Opposite Party/s : Mr.Shyam Bihari Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 17-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered under Sections 379, 411 and 420/34 of the Indian Penal Code, Sections 4 and 40 of Bihar Small Mining Samanudan Act 1972 and Section 15 of Environment Conservation Act 1986.

Three tractors were found indulged in illegal mining and illegal sand laden tractors were seized by the police and its drivers were apprehended.

It is submitted by learned counsel for the petitioner that the petitioner has not committed any offence. He happens to be owner of the one of the tractors bearing registration no.



BR26GA5914. He had handed over the aforesaid tractor to its driver Nagendra Kumar and he had no knowledge of transporting of the illegal sand on his tractor by its driver. He was not present at the place of occurrence. He has no criminal antecedent. Similarly situated co-accused namely Kamlesh Yadav has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.01.2019 and 22.01.2019 passed in Cr. Misc. No. 78299 of 2018.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 connection with Barun P.S. Case No. 205 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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