

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48034 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

KRISHNA KUMAR JAISWAL Son of Rajendra Jaiswal Resident of Village -
Nuaon, P.S.- Nuaon, Distt - Kaimur, (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh
For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379, 411 and 353/34 of the IPC, Sections 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972 and Sections 3, 6(4) and 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

The prosecution case, as per the written report of District Mines Officer, Kaimur, Bhabhua, dated 27.03.2019 submitted to the Station House Officer, Ramgarh Police Station, is to the effect that on the same day, the informant received a secret information that from Karmanasa river, sand is being illegally mined and transported by co-accused Satyendra Singh @



Baghel and Amit Jaiswal. Consequently, raid was laid and three accused persons were apprehended and one tractor loaded with sand was seized. One of the apprehended co-accused, Amit Jaiswal admitted that the seized tractor belongs to his brother, Krishna Kumar Jaiswal (the petitioner).

It is submitted by learned counsel for the petitioner that admittedly the petitioner was not present at the place of seizure. The tractor in question was given to co-accused Satyendra Singh for transporting the paddy crop and it is co-accused Satyendra Singh, who misused the alleged tractor.

Learned counsel for the Mines submits that due to illegal mining, huge loss to the State exchequer is being caused.

Considering the fact that the petitioner was not present at the place of seizure, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Ramgarh (Nuaon) P.S. Case No. 83



of 2019, subject to the condition as laid down under Section
438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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