

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50766 of 2019

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

SANTOSH KUMAR Son of Keshnath Singh Resident of Village -
Bhadokhra, P.S.- Dehri On Sone, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Ms.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

The allegation against the petitioner, as per the First Information Report, is that a Mahindra tractor, B-275 D1, having Engine No. RAFL00378, along with trailer, was seized by the police along with some other vehicles and the vehicle was found engaged in transportation of illegal sand, which was standing near the road. It has further been alleged that sand was mined illegally and transportation was being done through the



vehicles.

Learned Counsel for the petitioner submits that the police has seized some other vehicles along with the vehicle of the petitioner and the petitioner is the driver of the seized tractor, in question. He further submits that sand, which was allegedly found was mined illegally, but was mixed with earth and it was not pure sand, as alleged. He further relied on Annexure-2, which are orders passed by this Court granting bail to the owner and driver of the other vehicles, which were seized in the same transaction, by orders dated 09.05.2019 and 28.05.2019, passed in Criminal Misc. Nos. 30895 and 34600 of 2019.

After having heard learned Counsel for the parties and taking into consideration the fact that similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Santosh Kumar in the event of his arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Aurangabad, in



connection with Barun Police Station Case No. 81 of 2019,
subject to the condition 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
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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