

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50767 of 2019

Arising Out of PS. Case No.-171 Year-2019 Thana- BARUN District- Aurangabad

1. AMIT KUMAR Son of Late Krishna Kumar Singh Resident of Village - Keshopur Sone Nagar, P.S.- Barun, District- Aurangabad
2. Sheonandan Yadav Son of Ram Narayan Yadav Resident of Village - Pirwan, P.S.- Salaiya, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar
For the Opposite Party/s :		Mr. Binod Kumar
For the Mines Department:		Mr. Nareh Dikshit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-08-2019 Heard learned Senior Counsel for the petitioners, learned Counsel for the Department of Mines and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barun Police Station Case No. 171 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, 1986.

The allegation against the petitioners is that the tractor of the petitioners was intercepted by the police and found that the same was loaded with illegally mined sand.

Learned Senior Counsel for the petitioners submits



that the petitioner no. 1 is the owner of the tractor; whereas petitioner no. 2 is the driver of the said tractor. He further submits that in fact, sand mixed with soil was being carried for plantation in the ancestral land of the petitioner no. 1 and it was not pure sand, illegally mined by the petitioners. He further submits that the petitioners have got no criminal antecedent.

On the other hand, learned Counsel appearing on behalf of the Mines Department submits that the petitioners were found transporting illegally mined sand and the tractor, loaded with the same, was seized by the police, along with other vehicles involved in the transportation of illegally mined sand.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioners have no criminal antecedent, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each 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. 171 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 petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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