

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50861 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- KIUL District- Lakhisarai

DAYANAND KUMAR Son of Kishori Mandal Resident of Village - Ramshir,
Singhchak, P.S.- Chanan, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
With Mr.Parmanand Pd. Nr. Sahi
For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kiul P.S. Case N0. 45 of 2019, disclosing offences under Sections 337, 338, 332, 333, 353, 307, 379, 411/34 of the Indian Penal Code, Section 4/40 of the Bihar Mines and Minerals Concession Act, 1972 and Sections 4,6 and 8 of the Bihar Minerals Prevention of Illegal Mining Transportation and Storage Act Rule, 2003 as well as Section 15 of the Environment Protection Act, 1986.

A tractor bearing registration No. BR-53A-9126 was recovered by the police carrying illegally extracted sand. The petitioner is admittedly owner of the said tractor.

Learned senior counsel appearing on behalf of the petitioner, referring to the allegation made in the First Information Report submits that an attempt, made by the driver of one of the tractors, seized, to flee away from the place of occurrence by jumping from the running tractor is



in respect of another tractor. He submits that the petitioner did not have any knowledge that his tractor was being used for any illegal purpose by his driver.

Considering the submission as noted above, 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 Chief Judicial Magistrate, Lakhisarai in Kiul P.S. Case No. 45 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.

It is, however, indicated that in the event, the petitioner's tractor is found by the police being used for such illegal purpose, the State shall be at liberty to apply for cancellation of his bail.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

