

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60342 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- KAJRA District- Lakhisarai

NIKESH RAJ S/o- Ram Sagar Yadav Resident of Village- Jahana, P.S.- Halsi,
District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Department of Mining, Govt. of Bihar through Principal Secretary, Mining
Depart, New Secretariat, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 379/411 of the Indian Penal Code and
Sections 4/40 of Bihar Mineral Mines Concession Rule 1972 as
well as Sections 4,6, and 8 of Bihar Minerals (Prevention of
Illegal Mining) Transportation and Storage Act, 2003,
registered in connection with Kajra P.S. Case No. 51 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of a tractor illegally
loaded with sand. It is submitted that the petitioner is the owner
of the said tractor, who had no knowledge about illegal



transportation of sand on the tractor. The driver of the tractor was apprehended at the spot and has subsequently been enlarged on bail. The petitioner claims clean antecedents.

4. Learned APP submits that the petitioner himself has claimed ownership of the tractor, which was found without number plate and was illegally loaded with sand.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

6. If the petitioner surrenders and seeks regular bail before the learned court below, the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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