

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61568 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- KAKO District- Jehanabad

1. MUNNA YADAV Son of Shivji Yadav Resident of Village- Daharpur, P.S.- Ghosi, District- Jehanabad.
2. Gautam Kumar Son of Uday Sharma Resident of Village-Kairwa, P.S.- Ghosi, District-Jehanabad.
3. Gopal Kumar @ Gopal Sharma, Son of Subansh Sharma Resident of Village-Kewla, P.S.-Hulasganj, District-Jehanabad.
4. Anil Sharma @ Anil Kumar Sharma Son of Bajrangi Sharma Resident of Village-Kairwa, P.S.-Ghosi, District-Jehanabad.
5. Sanjay Sharma Son of Ram Naresh Sharma Resident of Village-Kairwa, P.S.-Ghosi, District-Jehanabad.
6. Rintu Kumar Son of Anil Singh Resident of Village-Kairwa, P.S.-Ghosi, District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2019 The petitioners apprehend their arrest in connection with Kako P. S. Case No. 195 of 2019 registered under Sections 379, 411 and 420 of the Indian Penal Code, Rule 26(a) and 40 of the Bihar Minor Mineral Concession Rule, 1972, Rules 2, 3 and 4 of the Illegal Mining (Transport and Storage) Rules, 2003 and Rule 15 of the Environment Rule, 1986.

Allegation against the petitioners is that tractors owned by the petitioners were intercepted from where sand extracted by



virtue of illegal mining were recovered.

Learned counsel appearing on behalf of the petitioners submits that petitioners are owners of the tractors and tractors were being driven by the drivers. Learned counsel further submits that from the allegation made in the FIR, at best, provisions of Bihar Minerals (Concessions, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 will be applicable, which has come into force with effect from 17.09.2019 and from perusal of Rules 56, it would be evident that a sum of Rs. 10,000/- can be imposed as fine along with the value of the mineral found in the carrier.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioners are the owners of the vehicles (Tractors) which were being driven by the drivers, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Mr. Umesh Prasad, Judicial Magistrate, 1st Class, Jehanabad in connection



with Kako P.S.Case No. 195 of 2019; subject to condition as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

sujit/-

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