

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61074 of 2019

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

Ram Manohar Kumar (M) aged about 42 years, S/o Yogendra Prasad, R/o village- Rampur, P.S.- Surajgarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Kiul P.S. Case No. 45 of 2019 registered under sections 337, 338, 332, 333, 353, 307, 379, 411/34 of IPC and Section 4/40 of Bihar Mining Concession Act, 1972 and Sections 4, 6 and 8 of Bihar Minerals Prevention of Illegal Mining Transportation and Storage Act Rule 2003 and Section 15 of the Environment Protection Act, 1986.

As per the prosecution case, the police intercepted altogether 12 tractors loaded with illegally extracted sand along with the tractor of the petitioner bearing No. BR-53G-0956. The police also recovered red sand loaded on the trailer attached with the tractor.



Learned counsel submits that the petitioner has not committed any offence in the manner alleged inasmuch as the petitioner is owner of the tractor and the tractor was being driven by the driver and the consent and permission of the petitioner was not there to the driver to indulge himself in illegal activity. Learned counsel further submits that the petitioner has got no criminal antecedent. Learned counsel relying upon the order dated 16.08.2019 passed in Criminal Miscellaneous No. 50861 of 2019 submits that similarly situated accused person has been granted bail by this Court.

Having regard the submission made by the parties and taking into consideration the fact that the petitioner is owner of the tractor and the similarly situated accused person has been granted bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon 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 connection with Kiul P.S. Case No. 45



of 2019, subject to the condition as laid down under Section
438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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