

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82227 of 2019

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

UTSAV KUMAR Son of Vijay Shankar Singh Resident of Village - Parsawa,
P.S.- Ramgarh Chowk, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Bihar Mines and Mineral Department (through its Principal secretary),
Patna. Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner, learned
counsel for Bihar Mines and Mineral Department, Bihar and
learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Kiul P.S. Case No. 45 of 2019, registered for the offence
punishable under sections 337, 338, 332, 333, 353, 307, 379,
411 and 34 of the Indian Penal Code, sections 4, 6 and 8 of the
Bihar Control of Prevention of Illegal Mining Transportation
and Storage Act and section 15 of the Environment Protection
Act, 1986. .

As per allegation made in the F.I.R., the accused



persons were caught transporting illegally extracted sand on the trailors of their tractors. A number of accused persons were caught while many of them managed to escape.

It is submitted by learned counsel for the petitioner that he was not arrested at the spot. He has been described as the driver of the tractor bearing registration no. BR-53G-0956. It is further submitted that he has no concern with the illegal transportation of the sand and another person had approached the driver of the petitioner for transporting the sand and not being aware of the legality or illegality in transporting the same, he has been implicated. It is submitted that he has no criminal antecedent.

It is submitted by learned counsel for Bihar Mines and Mineral Department that illegal mining and transporting of sand has become a menace and as would be evident from perusal of the FIR, not only a large number of tractors were caught illegally transporting the sand, some of the accused jumped out of their tractors leaving it in running condition, causing injuries to the police personnel. It is submitted that it is not a fit case for granting bail to the petitioner.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioner



having not been arrested at the spot and not having any criminal antecedent, the Court is inclined to grant bail to the petitioner. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 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.

(Partha Sarthy, J)

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