

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75171 of 2018

Arising Out of PS. Case No.-254 Year-2018 Thana- RAMNAGAR District- West Champaran

Sunil Kumar S/o Ram Chandra Mahto, R/o Misrawali, P.S.- Chanpatiya Dist-
W. Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Respondent/s : Mr.Sri Anil Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code, Rules 40(4) (5) (7) (8) of the Bihar Minor Minerals Concession Rules, 1972, Rules 3, 4, 6, 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, Rule 21 of the Mines and Minerals (Development & Regulation) Act, 1957 and Section 15 of the Environment Protection Act, 1986.

The prosecution case as per the Mining Development Officer, Bettiah dated 09.08.2018 submitted to the Station House Officer, Ramnagar, Bettiah is to the effect that 44 tractors loaded with illegal mined sands were seized from the



embankment of the river. The FIR was lodged against the owners and the drivers of the tractors. Though, the petitioner was not named specifically but his tractor was also seized.

It is submitted by learned counsel for the petitioner that the tractors are being used by the lessees for loading the sands, hence, the owners cannot be held responsible for commission of any offence and ultimately the lessees have not been made accused and the poor drivers and owners of the tractors have falsely been roped in the present case. It is further submitted that similarly situated owners of the tractors have been granted anticipatory bail by co-ordinate Benches of this Court vide order dated 04.12.2018 and 14.12.2018 passed in Cr. Misc. Nos. 71998 of 2018 and 66553 of 2018 respectively. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Mr. Naresh Dikshit, learned Special PP for the Department of Mines submits that in spite of the prohibition not to conduct mining from July to September the sands were illegally mined and transported which is causing huge loss to the State exchequer.

Considering the fact that the accusation of mining is not against the petitioner, who is owner of one of the tractors



and similarly situated owners have been granted anticipatory bail, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 254 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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