

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82229 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- KALER District- Jehanabad

RAMA SHANKAR KUMAR Son of Janeshwar Singh Resident of Village -
Kera, P.O.- Shamsheer Nagar, P.S.- Daud Nagar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Bihar Mines and Geology Department, Govt. of Bihar, through Inspector,
Mines and Minerals, Bihar, Arwal Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Singh
For Mines		Mr. Naresh Dikshit, Adv.
For the Opposite Party/s	:	Mr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner, learned
counsel for Bihar Mines and Geology 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 Kaler P.S. Case No. 24 of 2019, registered for the offence
punishable under sections 379, 411 and 34 of the Indian Penal
Code, Rules 4 and 40 of the Bihar Mines Mineral Concession
Rule, 1972 and Rules 4, 6 and 8 of the Illegal Mining Storage
and Transportation Rules, 2003.

As per allegation in the F.I.R., It is stated that 110
cubic ft. of illegally mined sand is stated to have been recovered



from the tractor of the petitioner which was being driven by one Pintu Kumar.

It is submitted by learned counsel for the petitioner that he has brought on record the challan for carrying the said sand as Annexure-3 to this petition. It is further submitted that in any case the tractor was being driven by his driver Pintu Kumar and he was not at the so called place of occurrence. The petitioner has no criminal antecedent.

It is submitted by learned counsel for Bihar Mines and Geology Department that on many occasions one challan is being used a number of times.

Having heard learned counsel for the parties and taking into consideration the fact that on perusal of the challan as also the time of seizure of the sand in the FIR, it transpires that the challan was for the said date and time and petitioner has no 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, Arwal in connection with Kaler P.S.



Case No. 24 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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