

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81985 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- SURYAGARHA District- Lakhisarai

DILIP KUMAR Son of Subodh Kumar Resident of Village - Rampur, P.S.-
Surajgarha, Distt.- Lakhisarai. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines and Mineral, Govt. of Bihar. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi
For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 323, 279, 353, 307, 379, 411, 504 and 506 of the Indian Penal Code, 4, 40 of Bihar Minor Mineral Concession Act, 1972, 4, 6, 8 of Bihar Control of Prevention of Illegal Mining and Transportation Act, 2003 and 15 of the Environment Protection Act.

The prosecution allegation, in short, is that the accused persons were involved in illegal sale and purchase of sand and on protest by police also attacked on them and created obstruction in official duty.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. The case was instituted on 17.7.2019. The petitioner was not named in the F.I.R. Subsequently on 18.8.2019, the petitioner was being made accused as being owner of the tractor in question. The said tractor was used for the purpose of loading and unloading of sand. The petitioner had no knowledge regarding the alleged incident. The petitioner has been made accused due to mistake of fact.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail 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, Lakhisarai in connection with Surajgarha P.S. Case No. 218 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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