

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6636 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- BARUN District- Aurangabad

ROHIT KUMAR S/o Ashok Singh R/o village- Chandra Bigha, P.S.- Barun,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 01-07-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379, 411/34 of the Indian Penal Code and Sections 11 and 56 of Bihar Minerals (Concession Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and Section 15 of the Environment Protection Act, 1986.

The informant, who is a Mining Development Officer, in his written statement has alleged that on 24.10.2019 in course of checking against illegal mining, transportation and storage of sand at about 17.20 p.m., joint raid was conducted



with Barun Circle Officer as well as police personnel and after seeing the police party, all the persons tried to escape but on place of mining, six tractors and two motorcycles along with one tractor driver and one helper were caught. Thereafter, raiding party reached near North Lane of Jhumar, Dihra at about 19.15 p.m., where seven persons were caught on the spot and some managed to flee away. After preparing the seizure list in detail, all seized vehicles and nine persons were handed over to Barun Police Station.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that on the day of occurrence, petitioner went to purchase fish from the Sone river and he was merely a passer-by and in that course, the vehicle of petitioner was standing there but the police seized the vehicle only on the basis of suspicion without any foundation of presuming that the said motorcycle was also standing for the purpose of liaising the matter of illegal transportation of mines. It is further submitted that petitioner is an agriculturist and he is having no connection with any commercial dealing with transportation and illegal mining of the sand. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of



the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Barun P.S. Case No.273 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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