

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81555 of 2019

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

Rajesh Kumar Gupta (Male), aged about 44 years, Son of Late Ishwar Chand Gupta, P.S.- Sasaram , Distt - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines through Principal Secretary, Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary, Advocate

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioner, learned counsel for the Mines and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Baroon P.S. Case No. 273 of 2019 registered for the offences punishable under Sections 379, 411, 34 of the Indian Penal Code, Section 11/56 of BMMCR Act, 2019 and Section 15 of Environment Protection Act.

Prosecution case in short is that the informant Mukesh Kumar, Mining Officer, Aurangabad along with other police personnel had raided Anikat sand ghat and one another sand ghat situated at Jhumar Dihra Canal on 24.10.2019 from where he seized tractors and motorcycles, which were being used in loading and transporting of illegal sand from these sand ghats.



Some people were also caught by him. Seizure lists were prepared thereafter.

Learned counsel for the petitioner submits that similarly situated co-accused persons have been granted anticipatory bail by this Co-ordinate Bench of this Court vide order dated 16.12.2019 passed in Cr. Misc. No.82997 of 2019 and vide order dated 19.12.2019 passed in Cr. Misc. No.84573 of 2019. Learned counsel for the petitioner further submits that the tractor has been seized by the Mines Officer, which is vacant and petitioner is not present at the place of occurrence.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Aurangabad in connection with Baroon P.S. Case No. 273 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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