

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34703 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- RAFIGANJ District- Aurangabad

KEWLA MAHTO @ RAM KEWAL MAHTO SON OF DEV CHARAN
MAHTO R/O- VILL- JAIN BIGHA, P.S.- RAFIGANJ, DIST.-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Rupa Kumari
For the Opposite Party/s :	Mr. Shyameshwar Dayal
For the Mines & Minerals Department :	Mr. Naresh Dixit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-11-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 379, 411 of IPC, Rules 04, 21 of Mines & Minerals (development & Regulation) Act, & Rules 11, 43, of the Bihar Minerals (concession, prevention of illegal mining, Transportation & Storage) Rules – 2019 & 56 of Bihar minerals (amed.) rules 2021.

Allegedly, the police during raid saw a tractor loaded with sand. On asking, the driver of the said tractor failed to produce the relevant paper i.e. challan. Subsequently, the said tractor was



seized.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. The petitioner is neither the owner nor the driver of the said tractor and in FIR he has been falsely shown as the owner of the said tractor. He further submits that the owner of the said tractor is one Binod Singh, which is also evident from annexure-2 of the bail application. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/Successor Court in Rafiganj
P.S. Case No.138 of 2022, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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