

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7918 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Raushan Kumar S/O Late Akhilesh Singh R/V- Radhe Bigha, P.S.- Karpi,
District- Arwal Petitioner

Versus

1. The State Of Bihar
2. District Mines Development Officer, Aurangabad Bihar
... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Paras Nath, Advocate
For the Mines	:	Mr. Naresh Dixit, Advocate
		Mr. B B Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 379/411 of the Indian Penal Code and Rule 4, 21 of the Mines and Minerals (Development and Regulation) Act and Rules 11, 43 and 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules.

As per the prosecution case, police seized a JCB illegally engaged in taking out soil from local village payeen. Petitioner happens to be owner of the JCB.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Though the petitioner is owner of the JCB but it was the driver Arun Kumar who is wholly responsible for excavation of



soil. Petitioner is ready to compensate the loss, suffered by the Mines Department.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above 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 the Sub Divisional Judicial Magistrate, Daudnagar District Aurangabad in Daudnagar Police Station Case No. 228 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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