

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14378 of 2023

Arising Out of PS. Case No.-329 Year-2022 Thana- BARUN District- Aurangabad

Ravindra Kumar, Son of Ram Udit Singh, R/V- Janpur, P.S.- Barun, District-
Aurangabad, Bihar

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary-cum-Commissioner, Dept. of Mines and Geology,
Govt. of Bihar, Patna Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Barun P.S. Case No. 329 of 2022 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code, Section 04(1A) of the Mines and Minerals (Development and Regulation) Act, 1957, Section 11, 18, 41 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transpiration and Storage) Rules, 1972 and Section 56 of newly amended Act. He has got one criminal antecedent.

As per the prosecution story, a truck bearing registration no. UP 61T 9774 loaded with 600 CFT sand, truck bearing registration no. 39.154/GF005560A loaded with 100 CFT sand and truck bearing registration no. UP 61AT 0018 were seized by the



police in connection with illegal transportation of sand as the driver of the respective vehicles fled away leaving the same on the spot on seeing the police party. It is alleged that in course of physical verification on 27.07.2022 illegal storage of sand was found at seven different places in different quantities. It is further alleged that total 2500.00 CFT sand was illegally stored by the petitioner in the village Khariyawan Bhattha.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the vehicle in question and the land on which the sand was stored do not belong to the petitioner. It is also submitted that the co-accused similarly situated has already been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 60027 of 2022.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the submissions of learned counsel for the petitioner that the petitioner is not the owner of the truck in question and the land on which the sand was found stored do not belong to the petitioner and that the learned Co-ordinate Bench of this Court has granted privilege of anticipatory bail to the co-accused Vinod Singh @ Vinod Yadav in Cr. Misc. No. 60027 of 2022, this Court directs that in case of his arrest of surrender



within a period of four weeks from today, the petitioner above named be released on bail in connection with Barun P.S. Case no. 329 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Aurangabad (Bihar) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

It will be, however, open for the prosecution to file an application seeking cancellation of bail, if the materials comes showing that the storage was on the land of the petitioner or the vehicle belongs to him.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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