

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16635 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- BARUN District- Aurangabad

Manish Kumar Son of Vijay Singh R/o Village - Mangrahiya, P.S.- Barun,
District - Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principle Secretary-cum-Commissioner, Department of Mines and
Geology Government of Bihar Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-05-2023 Heard learned counsels for the petitioner and the

State.

Petitioner apprehends arrest in a case registered for the offences punishable under Sections 147, 148, 149, 353, 379, 411 of the Indian Penal Code, Section 04 (1-A)21 of Mines and Minerals (Development and Regulation) Act, 1957, Sections 11, 18, 43 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019 and Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Amendment Rules, 2021.

Prosecution case, in short, is that 28 named accused persons including this petitioner and 50 unknown accused persons were involved in illegal mining, storage and transportation of sand, stone etc. and when Police party



conducted raid, accused persons pelted stones on them.

Learned counsel appearing for the petitioner submits that petitioner is neither driver nor owner of the seized vehicles which were found loaded with sand and have no concern with the vehicles in question. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by this Hon'ble Court *vide* order dated 06.04.2023 passed in Cr. Misc. No. 74654 of 2022.

Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Barun P. S. Case No. 403 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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