

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31261 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- BARUN District- Aurangabad

NIRMAL KUMAR SINGH SON OF SRI RAMDEV SINGH VILLAGE
SUBHA BIGHA ZAMUAR, P.S. DEHRI ON SONE, DIST. ROHTASH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Pratap

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

1. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code and Rule 04 (1A) and 21 of the Mines and Minerals (Development and Regulation) Act and Rules 11, 18, 43 and 56 of the Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage Rules.

2. The informant alleges that 1200 cft. of sand was recovered from a truck, further 100 cft. of sand was recovered from another truck, likewise 200 cft. of sand was recovered from two different tractors and two other vehicles along with 3 J.D. Loader Machines were seized.

3. Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that petitioner was not present at the place of occurrence and he came to be implicated on the ground that he is owner of one of the J.D. Loaders which was apprehended from the place of occurrence, it is next submitted that informant is not an eye witness to the occurrence, as such, alleging that the J.D. Loader was used for loading sand on the truck and the tractor cannot be believed, it is further submitted that the J.D. Loader was not found near the place of occurrence but was parked on the road as there was a breakdown.

4. It is further submitted that informant specifically alleges that sand was recovered from two trucks and two tractors and as such, in the event, if the owner of the truck and the tractor intend to compound the offence they can do so as the offence under the Mines Act is compoundable, it is further submitted that the vehicle of the petitioner was seized on suspicion that it might have been used for excavating sand for loading on the tractor and the truck. It is next submitted that petitioner is both driver and owner of the J.D. Loader and since there was a breakdown, as such, he had gone to call the mechanic when in the meantime the vehicle was seized.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barun P.S. Case No. 366 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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