

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66119 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- HULASGANJ District- Jehanabad

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Sintu Kumar @ Chintu Kumar @ Sintu Sharma Son of Satrudhan Sharma
R/V- Parawan, P.S- Bishunganj (Wrongly typed as Hulasganj at the top of the
impugned order), Dist- Jehanabad Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines through the Competent Officer, District Mining
Office, Jehanabad Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2023 Heard the parties.

The petitioner is apprehending arrest in connection with
Hulasganj P.S. Case No. 06 of 2021 under sections 147, 148, 149,
323, 307, 353, 379 and 411 of the Indian Penal Code lodged on
12.1.2012 by the informant namely Arun Kumar Choudhary.

The prosecution story read as follows:

The Officer of the District Mining Office, Jehanabad
lodged a written report to the Officer in-charge of Hulasganj police
station on 12.01.2021 alleging therein that in pursuance of
confidential information that sand is being extracted illegally from
'Uderasthan Baraz', the informant along with others proceeded to
carry out raid and in course thereof, the informant caught two
tractors which were involved in illegal extraction of sand. It was
further alleged that one of the driver was also caught but another
succeeded in fleeing away.



It was further alleged that when the tractors were being brought from the illegal mining place, 4 persons who were on motorcycle and 10-15 others attacked the police and attempted to take away the tractors from police custody. It was further alleged that four of them were caught and others fled away. It is further alleged that the driver disclosed his name as Ravish Kumar and others disclosed their identity as stated in first information report.

It was further alleged that Ravish Kumar stated that he was driver of Laloo Yadav and his brother who has been caught look after the illegal business of sand. Ravish Kumar further disclosed the names of two persons namely the petitioner and his brother whose tractors have been caught. It was further alleged that illegal mining of sand was assessed to be 2688 cubic feet fine of which comes to Rs. 96420/-. The further allegation was that seizure list in respect of the seized vehicles was prepared and the seized vehicles were handed over to the police. As the sand mining is prohibited and punishable under BHCC Rules 2019 under section 56 of the BMCC Rules and the Rule 2019, the F.I.R.

Learned counsel for the petitioner submits that he was neither seen at the spot nor any vehicle of him has been seized and it was falsely stated by co-accused that the tractor belongs to him. He has categorically made statement in para-10 of the petition that



none of the seized vehicle belongs to him.

In view of the fact that the name of the petitioner has come in the confessional statement that he owns one of the tractors, categorical statement made by the petitioner that contrary to the allegation, he does not own the said tractor which will be subject to verification by the concerned Court and further he do not have criminal antecedent, this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Hulasganj P.S. Case No. 06 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Kiran

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