

IN THE COURT OF THE SESSIONS JUDGE,
Kaimur at Bhabua.
Anticipatory Bail Petition No. 509 of 2023.
(Filing No. 3621 of 2023)
Shivjee Singh. Vrs. State.

04- 28.04.2023

This anticipatory bail petition has been filed on behalf of petitioner, namely, **Shivjee Singh** who is apprehending his arrest in connection with Karamchat P S Case No. 40 of 2021 registered for the offences U/ss. 379 and 411/34 of the IPC & 56(i) & 56(ii) Bihar Minor Mineral Concession Act (illegal Mining, Transportation and storage rule 2019). Heard Sri Sanjay Kumar Tiwari, learned counsel appearing on behalf of the petitioner and learned PP for the State.

2. As alleged, the informant getting information about illegal mining of sand from the river, conducted a raid upon which the persons engaged in mining, have fled away but the tractor loaded with sand has been found at the place and seized by the informant.

3. The submission advanced on behalf of the petitioner is that although the petitioner is not named in the FIR, nor he has been apprehended at the spot but in course of investigation the name of the petitioner has surfaced as the driver of the seized Tractor in para 67 of the case diary however, the levied fine has already been deposited by the owner of the tractor and the receipt of which is available with the record of the lower court whereas co-accused Mantu Mallah who happens to be the owner of the seized tractor, has already been granted bail by the court below itself vide order dated 25.08.2022 to which learned PP has fairly conceded.

4. Since the levied find has already been deposited and the owner of the tractor is enjoying the privilege of bail, in the event of his arrest or surrender, the petitioner shall be released on bail on his furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below subject to the conditions as laid down under Section 438(2) of the Cr.P.C. (Dictated)

Sd/ R S Shukla.

Sessions Judge