

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37488 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

- =====
1. Vikash Kumar S/o - Lal Bahadur Singh R/o Village - Motichak, P.S. - Karpi, District - Arwal.
 2. Raja Yadav S/o Bansropan Yadav R/o House of Devendra Sharma, Raja Bajar, P.S. - Jehanabad, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2015 Heard learned counsels for the petitioners
and the State.

Petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 379,
413, 34 of the Indian Penal Code.

The prosecution case is that Officer-in-charge
of Neemchak Bathani police station intercepted two tractors
loaded with sands being taken out from Paimar river. The
petitioner was driver of one of the tractors.

It is submitted by learned counsel for the
petitioner that petitioner was only driver of a public carrier and
the sand mixed with earth was being carried for the
construction of the road when the contractor paid royalty to the
Mining Department and the Mining Department has not raised

any objection till date but the informant being police officer has maliciously lodged the present case.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Neemchak Bathani P.S. Case No. 3 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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