

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 51225 of 2014

Arising Out of PS.Case No. -264 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

- =====
1. Basudeo Modi Son of Jagdish Modi.
 2. Jai Ram Yadav Son of Sudhir Yadav
- Both are residents of Village--Kajraili, P.S.- Kajraili, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 19-05-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend arrest in Jagdishpur P.S. Case No. 264 of 2014 dated 20.09.2014 instituted under Sections 379/411/34 of the Indian Penal Code and 40 of the Bihar Minor Mineral Concession Act, 1972.

The petitioner no. 1 is the owner of the tractor/trailer whereas petitioner no. 2 is driver of the tractor and are accused of illegal lifting of sand.

Learned counsel for the petitioners submits that the sand was being carried after proper purchase but due to mala fide intention, the authorities have seized the vehicle as well as the sand. Learned counsel has produced web copy of order dated 06.01.2015 passed by a co-ordinate Bench in Cr. Misc. No. 52083 of 2014 by which similarly situated co-accused in the present case, being the owner and driver of

another tractor have been granted anticipatory bail.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in Jagdishpur P.S. Case No. 264 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

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