

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6731 of 2015

Arising Out of PS.Case No. -426 Year- 2014 Thana -WAJIRGANJ District- GAYA

- =====
1. Md. Neejamuddin Son of Md. Samiruddin Resident of Village- Jhalpo, P.S. Jhumri Tilaya, District- Kodarma(Jharkhand) Driver of Truck No NL. 01G-8705.
 2. Pramod Kumar son of Rajendra Singh Resident of Village - Manpari P.S. Itkhori, District- chatra(Jharkhand) Driver of Trun No. NL-01k-3696
 3. Dinesh Yadav son of Jagdish Yadav Resident of Dadu Hotel Neeru Diha kanksha, P.s- Burudiha, District- Bardhwan (West Bengawal) Driver of Truck No. JH-09M-2240

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.14795 of 2015

Arising Out of PS.Case No. -426 Year- 2014 Thana -WAJIRGANJ District- GAYA

- =====
1. Aftab Alam @ Md. Aftab Alam Son of Satar Khan resident of Mohalla - Collamandi, Police Station - Raipur, District - Raipur State Chatishgarh

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.6731 of 2015)

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
Ms Tulika Singh, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App)

(In Cr.Misc. No.14795 of 2015)

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
Ms Tulika Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar No. 3(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 26-08-2015

These two applications arise out of Wazirganj

P.S.Case No. 426 of 2014 and hence they have been heard

together and are being disposed of by a common order.

The petitioners seek anticipatory bail in connection with Wazirganj P.S.Case No. 426 of 2014 registered for the offences punishable under Sections 420, 406 and 379 of the Indian Penal Code read with Section 40 of the Bihar Minor Minerals Concession Rules 1972 and 33 of the Forest Preservation Act.

It is contended that the petitioners in these two applications are drivers of the different trucks, which were parked outside the Line Hotel near Bodha Chak and those trucks were not loaded with any stone chips. Rather, all the trucks were empty standing by the side of the road. It is further contended that for the alleged offence under the Forest Act, a confiscation proceeding was initiated by the Authorized Officer under Section 52 of the Indian Forest Act, 1927 and after hearing the parties, the Authorized Officer-cum-District Forest Officer, Gaya Forest Division, Gaya gave a finding that there is no evidence on the basis of which it could be said that there was any violation of any provision of the Forest Act and accordingly the confiscation proceeding was dropped by order dated 23.04.2015 passed in Confiscation Case No. 1 of 2015.

Learned counsel for the petitioners submits that the

petitioners have got roots in the society and they shall fully cooperate with the investigation of the case. It is also contended that there is no likelihood that the petitioners would abscond or tamper with the evidence if released on bail.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the nature of the offence and the defence taken by the petitioners, in the event of arrest or surrender before the court below within six weeks from today, the petitioners, namely, Md. Neejamuddin, Pramod Kumar and Dinesh Yadav of Cr.Misc. No. 67831 of 2015 and petitioner Aftab Alam @ Md. Aftab Alam of Cr. Misc. No. 14795 of 2015 are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Wazirganj P.S. Case No. 426 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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