

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39366 of 2015

Arising Out of PS.Case No. -120 Year- 2015 Thana -NAWANGAR District- BUXAR

1. Lalan Singh S/o Sri Bhagwan Singh, resident of village- Dabanpura, P.S.-
Nawanagar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.39380 of 2015

Arising Out of PS.Case No. -120 Year- 2015 Thana -NAWANGAR District- BUXAR

1. Ravi Singh, Son of Hardaya Singh, resident of village- Tetarhat, P.S.-
Sikraul, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39366 of 2015)

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Md.Ataur Rahman (App)

(In Cr.Misc. No.39380 of 2015)

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sanjay Kr.Panday(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2015 Heard learned counsel for the petitioners Mr. Mohit
Srivastava with Mr. Vijay Kumar and learned A.P.P. for the State.

In the above two applications the petitioners apprehend
their arrest in connection with one occurrence i.e. Nawanagar
P.S.Case No. 120/2015 (G.R. No. 1776/2015) registered for the

offence under Sections 379/34 of the I.P.C. and Section 40 and 49 of the B.M.M.C. Rule, 1972.

The prosecution case is that the informant being Mining Inspector, Bhojpur- Buxar on the issue raised by Circle Officer, Nawanagar, regarding illegal mining of sand, the informant inspected the Manhatha (Domuhana) with the help of police Nawanagar and found that 100 trailers of sand recently excavated illegally by the petitioners and two other co-accused.

Learned counsel for the petitioners submitted that the seizure was made on 13.06.2015 whereas the F.I.R. was registered on 27.06.2015 and it was only on the basis of suspicion that the petitioners have been implicated.

It has further been submitted that the petitioners were neither seen at the place of occurrence nor they have been any witnesses, who have supported the occurrence and it was only on the basis of surmises and conjectures that the prosecution case has been made out.

In para-3 of the application a statement has been made that the petitioners have no criminal antecedents. On similar allegation, a Co-ordinate Bench has granted privilege of anticipatory bail to another co-accused in Cr. Misc. No. 35112 of 2015 dated 03.09.2015. I do not propose to take a different view

on similar allegations.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate , Buxar in Nawanagar P. S. Case No. 120/2015, G.R. No. 1776 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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