

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40646 of 2015

Arising Out of PS.Case No. -36 Year- 2015 Thana -AMBA District- AURANGABAD

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Gandhi Mehta Son of Rajendra Matho @ Mehta resident of Village
Mahabirganj, P.S. Amba, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Ajay Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 01-10-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
379/411 and 420/34 of the Indian Penal Code and section 40 of
the Mines & Minerals (Development & Regulation) Act, 1957.

Two tractors loaded with sand were
intercepted when the driver suggested that after making payment
of Rs.200/- per tractor to the petitioner, being agent of the main
contractor Bhim Singh, the sand being transported.

It is submitted by learned counsel for the

petitioner that there is nothing on the record to suggest that any payment was made to the petitioner, moreover, the case was lodged on the statement of the driver of the tractor.

Considering the fact that the accusation being based on the statement of the driver, admittedly seizure was not made from the petitioner and statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Amba P.S. Case No. 36 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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