

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22529 of 2016**

Arising Out of PS.Case No. -26 Year- 2016 Thana -NARDIGANJ District- NAWADA

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1. Chintu Kumar Paswan son of Sahdeo Paswan, R/o Maniyama P.S.- Deepnagar, District- Nalanda.
  2. Shiv Kumar son of Mahadev Rai
  3. Arvind Yadav son of Shankar Rai, 2 and 3 R/o Village & P.S.- Athmalgola, District- Patna
  4. Md. Azad son of Merajuddin R/o Village- Akbarpur, P.S.- Barh, District- Patna.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      25-05-2016                      Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

The petitioners seek bail in a case for the offence punishable under section 379 of the Indian Penal Code, Section 40 of the Bihar Minor and Mineral Concession Rule and Section 8 of the Bihar Illegal Mining Transporting Storage Rule, 2003.

Allegedly, the petitioners and other co-accused were caught when they were engaged in getting their trucks loaded with sand illegally with help of porcelain machine.

Submission is of false implication, there is interpolation in the first information report, which is evident from

seizure list, the petitioners are suffering in custody since 28.3.2016 having no criminal antecedent, they are poor drivers and, as such, they deserve sympathetic consideration as co-accused Vijay Kumar @ Bijay Kumar has already been allowed bail vide Cr. Misc. No.22982 of 2016 by another Co-ordinate Bench of this Court.

The learned A.P.P. fairly submits that considering the detention of the petitioners, now lenient view can be taken.

In the facts and circumstances stated above, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in connection with Nardiganj P.S. Case No.26 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

**(Jitendra Mohan Sharma, J)**

N.H./-

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