

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19043 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -BARUN District- AURANGABAD

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1. Manoj Kumar Singh S/o Suresh Singh resident of village - Baroon, P.S.
Baroon, District - Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
With Mr. Rakesh Singh

For the Opposite Party/s : Mrs. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-05-2016 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

This application for anticipatory bail arises out of
Baroon P.S. case No. 34 of 2016, disclosing offences under
Sections 379,411 of the Indian Penal Code and section 40 of the
Bihar Mines and Minerals Act, 1972.

Briefly stated, the case of the prosecution is that during
ban on sand excavation imposed by the State Government, a
tractor loaded with sand was found coming from Daudnagar. On
seeing the police, the driver stooped the tractor and fled away.
The petitioner is the owner of the said tractor.

Learned Senior Counsel appearing on behalf of the

petitioner has submitted that he has been made accused only on the basis that he is the owner of the tractor, though there is no material to show that sand was being excavated by using the said tractor with the consent of the petitioner. The petitioner is said to be having no criminal antecedent.

Considering the above, this application is allowed. Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Baroon P. S. Case No. 34/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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