

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23969 of 2016

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

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1. Indra Bhushan Kumar Singh Son of Shri Mithilesh Singh, R/o Village- Kalyanpur, P.S.- Athmalgola, District- Patna
 2. Raju Kumar son of Shri Ramanand Singh, R/o Village- Rana Bigha, P.S.- Barh, District- Patna
 3. Molan Kumar Son of Balmat Singh, R/o Village and P.S.- Nagaland, District- Kohima- 797001

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-05-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code, Section 40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 8 of the Bihar Minerals(Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

The prosecution case is that four trucks were seized carrying sand during the period the mining of sand was stayed by an order passed by the Green Tribunal. The petitioners are owners of the seized trucks.

It is submitted by learned counsel for the petitioners that even assuming the accusation, no case is made out against the petitioners. The petitioners were not present at

the place of seizure. The petitioners are the bona fide owners of the trucks and there is nothing on record to suggest that sands were being carried at the instance of the petitioners.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nardiganj P.S. Case No. 26 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted on filing affidavit to the effect that they will cooperate in the investigation. Non-cooperation in the investigation will give liberty to the prosecution to file appropriate application for cancellation of bail of the petitioners.

(Dinesh Kumar Singh, J)

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