

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 34363 of 2016

Arising out of P.S. Case No. -97 Year- 2016 Thana -HISUA
District- NAWADA

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1. Tuntun Prasad Singh, Son of Baleshwar Singh, Resident of Village:- Srirampur, P.S:- Hasua, District- Nawada.
 2. Arun Kumar Singh, Son of Shivdani Singh, resident of Village:- Kosalia, P.S: Nardaniganj, District- Nawada.
 3. Jeetendra Kumar, Son of Raja Ram Singh, resident of Village:- Bagodar, P.S:- Hasua, District- Nawada.
 4. Devendra Prasad Sharma, @ Devendra Prasad Singh Son of Karu Singh, resident of Village:- Eknar, P.S:- Hasua, District:- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Adv.

For the Opposite Party/s: Sri Nityanand Tiwary, APP.

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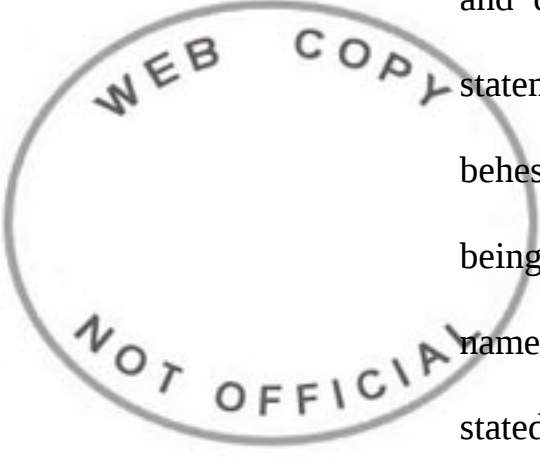
CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

02. 15.09.2016

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code, Section 40 of Bihar Minor Mines Concession Rule, 1972 & Section 8 of Bihar Mineral Illegal Mining Transportation Storage Rule, 2003.

It is contended on behalf of the petitioners that the petitioner no. 1 is the owner of the JCB Machine and petitioners



no. 2, 3 and 4 are the owner of tractor, the driver of the tractor and driver of the JCB Machine and as per the confessional statement of co-accused, Sumit Kumar nothing was done at the behest of owner of JCB machine. The illegal lifting of sand is being done under the direction of owner of ABC brick-kiln namely Chunnu Singh and the witness Baleshwar Singh has stated that the JCB Machine is in the name of Tuntun Prasad Singh, i.e., petitioner no. 1 and the JCB Machine was given to the owner of brick-kiln namely Chunnu Singh for cutting soil but he was illegally lifting the sand from the bank of Tilaiya river. It is further contented that the petitioners are having fair antecedents.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Tuntun Prasad Singh, Arun Kumar Singh, Jeetendra Kumar and Devendra Prasad Sharma be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in connection with Hisua P.S. Case No. 97/2016, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of

Criminal Procedure.

However, at the time of accepting bail bonds, the court below will verify and ensure itself regarding the criminal antecedent of the petitioners. If the petitioners are having clean antecedents then their bail bonds would be accepted otherwise they would be taken in custody.

(Dr. Ravi Ranjan, J.)

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