

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18772 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

Sudhanshu Mishra, son of Late Bhuvaneshwar Mishra, resident of village -
Hazipur, P.S. Sajour, District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.18779 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

- 1. Mun Rai @ Muneshwar Rai son of Late Gobind Rai
- 2. Ajay Mishra @ Ajay Kr. Mishra, son of Late Banshidhar Mishra Both
Resident of Village-Hajipur, P.S. Sajour, District-Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.18772 of 2017)

- For the Petitioner/s : Mr. S.C. Mishra with
Mr. Davendra Kumar Pandey, Advocates
- For Mines Department : Mr. Rajendra Prasad, Special P.P.
- For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

(In Cr.Misc. No.18779 of 2017)

- For the Petitioner/s : Mr. Manohar Prasad Singh, Advovate
- For Mines Department : Mr. Rajendra Prasad, Special P.P.
- For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-05-2017 Both the applications arise out of same P.S.case, as

such, they have been heard together and are being disposed of by

this common order.

Heard learned counsel for the petitioners in both the



cases.

The petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 43 of 2017 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and 6/8 of Bihar Mines and Minerals Rules, 1972.

Allegation against the petitioners is for storing and selling sand.

It has been submitted on behalf of the petitioners that only on the basis of suspicion the allegation has been made against the petitioners. It has also been submitted that petitioner Sudhanshu Mishra is an old person aged about 65 years and he has no criminal antecedent and so far petitioner Mun Rai is concerned, he is aged about 55 years having no criminal antecedent.

Heard learned APP as well as learned counsel for the Mines Department, who have opposed the prayer for anticipatory bail of the petitioners.

Having heard both sides and considering the facts and circumstances, as stated above, let the petitioners in both the cases, named above, in the event of their arrest or surrender in the court within a period of two weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two



sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with Jagdishpur P.S. Case No. 43 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that petitioners shall co-operate in the investigation and make themselves available before the police as and when required and in the event of failure on their part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds and further petitioners will not induce any witness or tamper with the evidence and further condition is that if petitioners commit such offence in future, their bail bonds shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

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