

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56581 of 2017

Arising Out of PS.Case No. -113 Year- 2017 Thana -AMBA District- AURANGABAD

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1. Manorma Devi, Wife of Ram Swarup Tiwari, Resident of Village-Dhanibar, P.S.- Amba, District- Aurangabad.
 2. Mukesh Kumar Pandey, Son of Virendra Pandey, Resident of Village-Karamdih, P.S.- Amba, District- Aurangabad.
 3. Manoj Tiwari, Son of Late Bhola Tiwari, Resident of Village- Dhanibar, P.S.- Amba, District- Aurangabad.
 4. Umesh Upadhyay, Son of Late Sarju Upadhyay, Resident of Village-Hardata, P.S.- Amba, District- Aurangabad.
 5. Niraj Kumar Pandey, Son of Late Lalan Pandey, Resident of Village-Dhanibar, P.S.- Amba, District- Aurangabad.
 6. Dinesh Kumar Singh, Son of Ramchander Singh, Resident of Village-Kateya, P.S.- Hariharganj, District- Palamu (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 01-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Amba P.S. Case No. 113 of 2017 instituted for the offence under Sections-379, 411, 420/34 of the Indian Penal Code and 40 of Mines Act.

It has been submitted that petitioners are owners and drivers of three tractors which are said to have been loaded with illegal sand and apprehended by police. It has been submitted that all the drivers were having valid challan at the time of verification. They had purchased sand from the person of Sherghati and were carrying the same on their tractors with valid challan, which was issued in the name



of Pawan Kumar, Rashid Ansari and Munmun Sharma from whom, the drivers have purchased the sand. It has further been submitted that investigating officer got the matter inquired from the District Mines Officer, Gaya who in turn sent his verification report stating that the challans are real and valid one.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Amba P.S. Case No. 113 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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