

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58026 of 2017

Arising Out of PS.Case No. -175 Year- 2017 Thana -MUFFASIL District- AURANGABAD

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1. Jitendra Tiwari, S/o Sri Virendra Tiwary, R/o Village 27/211-A-2, Vibekanand Nagar, Jagat Gang Nagar, Dist Varanashi (U.P.), P.S.- Chetganj.

2. Samim Sah @ Santosh Sah, S/o Kamuluddin Sah, R/o Village Mera Path Baridih, Shamshedpur, P.S. Sahebganj, District- Chandauli (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Muffasil P.S.Case No. 175 of 2017 registered under Sections 379 and 411 of the Indian Penal Code and Sections 3, 4 and 5 of the Bihar Illegal Mining Act.

It is stated by the learned counsel for the petitioners that the ingredients of the offences alleged would not be attracted in the present case as there is allegation that the police intercepted the vehicle which was overloaded with sand. He submitted that the petitioners are driver and owner of the truck bearing Registration No. UP-65DT-9375 and all the relevant documents are in their



possession.

On the other hand, learned counsel for the State submitted that when the truck was intercepted the driver of the vehicle fled away and the documents relating to carriage of sand were not produced before the informant.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S.Case No. 175 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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