

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39620 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -SIGORI District- PATNA

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1. Alok Kumar, son of Binay Kumar Sinha, Resident of Flat No. F/ 40,
Vijay Nagar, P.S.- Patrakar Nagar, District- Patna.
2. Munna Singh @ Rajiv Ranjan, Son of Late Janardan Prasad Shahi,
Resident of Village- Saguni, P.S.- Masaurhi, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 14-09-2017 Heard both sides.

The petitioners apprehend their arrest in Sigori P.S. Case No. 37/2017, registered for the offences punishable under Sections 420, 379, 411, 504 and 34 of the Indian Penal Code, Rule 4 and 40 of Bihar Minor Minerals Concession Rule, 1972 and Rule 3, 4 and 6 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

The accusation is that the informant Ravi Prakash Kumar was deputed by the Broadson Commodities Pvt. Ltd., at Rupaspur sand Ghat, Koilwar, Ara for looking after the sand Ghat. Due to cutting of bank in village Alipur, sand bags were being put by the contractor Alok Kumar petitioner no. 1 who with the help



of his associate Munna Singh petitioner no. 2 committed theft of sand which was used in execution work. At the time inspection of sand Ghats the informant came to know that petitioner no. 1 Alok Kumar committed theft of 800 trucks loaded with sand utilized in the execution work for which the informant made contact with the contractor Alok Kumar and demanded royalty at the rate of Rs. 750/- per truck which comes to Rs. 6,00,000/- and petitioner no. 1 also agreed to pay the same. The petitioner paid only three installments i.e. Rs. 1,50,000/-, when the informant demanded the remaining amount, the petitioner started to threaten him. On 05.05.2017 during inspection, two trucks were also detected bearing registration no. BR01GE9353 and BR01GF2657 which were engaged in theft of the sand.

Learned counsel appearing on behalf of the petitioners submits that in fact due to erosion of the earth in village Alipur, the contract work was allotted to the petitioner no. 1 Alok Kumar to fill up the sand there. In that course, the petitioner lifted the sand worth Rs. 84,000/-, and he had already paid Rs. 1,50,000/- to the informant. The petitioner has falsely been implicated in the case, as the informant wanted to take illegal money from him.

Having considered the facts and circumstances, the petitioners above-named, in the event of their arrest or surrender



before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Patna in connection with Sigori P.S. Case No. 37/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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