

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59418 of 2017

Arising Out of PS.Case No. -302 Year- 2017 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Gunjan Kumar, Son of Vijay Kumar Pandey @ Vijay Pandey, resident of Village- Pramjiwar, P.S. Hathori, District- Muzaffarpur.
 2. Deepanshu Shekhar, Son of Anil Kumar Singh, resident of Village- Sahbajpur, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Bidupur P. S. Case No. 302 of 2017 registered under Sections 379 and 411 of the Indian Penal Code, Rules 40 and 49 of the Bihar Minor Mineral Concession Rules, 1972 and Section 3 and 8 of the Bihar Mining Act, 2003.

It is submitted by the learned counsel for the petitioners that a false and fabricated case has been instituted by the police against the petitioners showing the date of alleged occurrence and seizure of trucks of the petitioners on



21.09.2017, but the FIR was registered on 27.09.2017 and the same was sent to the Court on 04.10.2017.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioners. However, he could not justify the action of the police in institution of the FIR after six days of the alleged seizure of trucks and transmission of the same to the court after seven days of the institution of the FIR.

Considering the facts and circumstances of the case, the petitioners named above, in the event of arrest or surrender before the court below within six weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, XIV, Vaishali at Hazipur in Bidupur P. S. Case No. 302 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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