

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12989 of 2017

Arising Out of PS.Case No. -82 Year- 2016 Thana -PAUTHU District- AURANGABAD

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Surya Kumar S/o Late Ram Pyare Ram resident of Village - Tandwanna,
Sheoganj, P.S. - Dehri-on-sone, District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-03-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Pauthu
P.S. Case No. 82 of 2016, instituted for the offence under Section
(s) 379, 411, 420 of the Indian Penal Code and Sections 3, 4, 5 of
the Bihar Illegal Mining Act.

It is alleged that informant on getting
information that illegal stone chips were being carried on in two
trucks intercepted two trucks as mentioned in the written report
loaded with stone chips. The drivers of both the trucks did not
produce any valid paper, hence they were arrested.

It has been submitted on behalf of the petitioner
that petitioner is the owner of Truck No. JH09L-5054. It has



further been submitted that learned Sessions Judge has committed an error in recording that Challan produced by the driver was found to be forged. The petitioner has pointed out Annexure-2 series which is the report of the Officer-in-charge, Pauthu Police Station, wherein it has been mentioned that Challan were found to be genuine. Moreover, as per written report, the petitioner was not apprehended on the spot and he is only the owner of the truck.

It has been mentioned in para 3 of the petition that petitioner has no criminal antecedent.

In the facts and circumstances of the case, the prayer of the petitioner for anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, above named, within six weeks from today in connection with Pauthu P.S. Case No. 82 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IInd, Aurangabad, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Sanjay Priya, J)

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