

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6828 of 2017

Arising Out of PS.Case No. -111 Year- 2016 Thana -SHAMBHUGANJ District- BANKA

- =====
1. Birendra Prasad Singh @ Tuscho Singh son of Late Girish Prasad Singh, resident of village- Ramchuwa, P.S. Shambhuganj, District- Banka
 2. Pappu Kumar @ Suraj Kumar, son of Ramrup Mandal, resident of village- Kaitha, P.S. Shambhuganj, District- Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar

For the Opposite Party/s : Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2017 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Shambhuganj P.S. Case No. 111 of 2016 for the offences instituted under Sections 379/34 of the Indian Penal Code and Section 21 of Mines and Mineral (D&R) Act, 1957.

The allegation against the petitioner is of committing theft of sand from the land of the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. He is the owner of the tractor. The alleged date of occurrence is



24.06.2016. The case has been instituted on 13.08.2016. The delay has not been explained by the prosecution. The petitioner is not named in the F.I.R.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Shambhuganj P.S. Case No. 111 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Banka, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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