

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.61029 of 2017**

Arising Out of PS.Case No. -1376 Year- 2017 Thana -SASARAM NAGAR District- SASARAM  
(ROHTAS)

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Jitendra Tiwari, S/o Sri Virendra Tiwari, R/o Village 27/211-A-2,  
Vibekanand Nagar, Jagat Gang, Lahuabir, P.S. Chetganj, Distt.- Varanasi  
(U.P.).

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate  
For the Opposite Party/s : Mr. Ram Bachan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

2      22-12-2017

Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection  
with Sasaram (Darigaon) P. S. Case No. 1376 of 2017  
registered under Sections 379 and 411 of the Indian Penal Code  
and 4/40 of Bihar Mining Act.

It is submitted by the learned counsel for the  
petitioner that the petitioner is the owner of truck bearing no.  
UP65ET-0875. He being resident of Varanasi having roots in  
the society and having no criminal antecedent is not likely to  
abscond or tamper with the evidence. He submitted that he is



not in know of the fact as to how and why the driver of the truck had loaded illegally mined sand over it.

On the other hand, learned Additional Public Prosecutor for the State submitted that the allegation in the FIR is that the truck belonging to the petitioner was intercepted by the police in course of checking and it was loaded with sand without there being any valid document for the same.

Regard being had to the nature of allegation, the petitioner named above is 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 leaned Chief Judicial Magistrate, Rohtas in Sasaram (Darigaon) P. S. Case No. 1376 of 2017 , subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

**(Ashwani Kumar Singh, J.)**

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