

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62413 of 2017

Arising Out of PS.Case No. -187 Year- 2017 Thana -MUFFASIL District- AURANGABAD

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1. Pappu Kumar @ Pappu, Son of Ramjee Yadav, resident of Village- Diliya, P.S. Chauri, District- Bhojpur.
 2. Pintu Kumar Yadav, Son of Manji Prasad, resident of Village- Ganj Baharasara, P.S. Bihiya, District Bhojpur.
 3. Kamlesh Tiwary, Son of Late Naresh Tiwary, resident of Village- Bilauti, P.S. Sahpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Mufassil P.S.**

P.S. Case No. 187 of 2017 instituted for the offence under Sections 3, 4, 5 of Bihar Illegal Mines Act and under Section 194(i) of M.V. Act.

Learned counsel for the petitioners has submitted that petitioners are driver of the different trucks mentioned at Sl. No. 3, 9 and 11 of the First Information Report. All the vehicles were loaded having valid Challans. The allegation is that they were found over loaded with stone chips. They are at best liable to give fine for overloading the said trucks. It has further been submitted that other co-accused have already been granted anticipatory bail by this Court vide order dated 12.12.2017 passed in Cr. Misc. 58577 of 2017 and by a



coordinate Bench of this Court vide order dated 18.12.2017 passed in Cr. Misc. 61017 of 2017.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Mufassil P.S. Case No. 187 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Aurangabad**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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