

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59611 of 2017

Arising Out of PS.Case No. -173 Year- 2017 Thana -BARUN District- AURANGABAD

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1. Upendra Singh,
 2. Satyendra Singh Both Sons of Late Jiv Narayan Singh, R/o Village-Keshopur, P.O.+ P.S.- Barun, District- Aurangabad, at present Village-Basantpur, P.S.- Karvndia, District- Rohtas.
 3. Ajay Kumar Singh S/o Janki Singh, R/o Village- Chopra Aghauriya, P.O.- Chandi, P.S.- Akorhi Gola, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Barun P.S. Case No. 173 of 2017 instituted for the offence under Sections 379,411,420,34 of the IPC and Section 3,4,5 of Bihar Illegal Mines Act.

Counsel for the petitioners has submitted that the petitioner no.1 and petitioner no. 2 are joint owner of tractors bearing Registration Nos. BR24G-9783 and 9782 and petitioner no. 3 is driver of Tractor No. BR-24G-9783. It has been submitted that all these petitioners' trucks were found loaded with sand and they were seized as no paper was produced. It has further been submitted that they have loaded sand from Son Nadi and they



were having valid challan which is annexed as Annexure 2 to this petition.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Barun P.S. Case No. 173 of 2017 to the satisfaction of learned C.J.M., Aurangabad subject to condition as laid down u/S 438 (2) of the 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers 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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