

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48589 of 2017

Arising Out of PS.Case No. -465 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

- =====
1. Sunil Kumar Singh, Son of Radhe Singh, R/o Village- Bhirkhira, P.S.- Mohania, District- Kaimur at Bhabua.
 2. Jitendra Pal Son of Ranjit Pal, R/o Village- Amaura, P.S.- Harhua, Bhargavan, District- Varanasi (U.P.).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Mohania P. S. Case No.465 of 2017 registered under Sections 379, 411/34 of the Indian Penal Code and Section 40(7) of Bihar Minor Mineral Concession Rules, 1972.

It is submitted by the learned counsel for the petitioners that the offences alleged under Section 379, 411/34 of the Indian Penal Code would not be attracted to the facts of the present case. So far as Section 40(7) of Bihar Minor Mineral Concession Rules, 1972 is concerned, on the very date on which



the truck loaded with sand was intercepted, the petitioners deposited Rs.18,600/- as fine. He further submitted that the petitioners being owner and driver of the trucks in question were not aware that the persons loading sand for transportation had no valid licence/lease.

Learned Additional Public Prosecutor for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Considering the facts and circumstances and the submissions made above, the petitioners named above are 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 learned Chief Judicial Magistrate, Kaimur at Bhabua in Mohania P. S. Case No.465 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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