

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9625 of 2018

Arising Out of PS.Case No. -252 Year- 2017 Thana -GHOSI District- JEHANABAD

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1. Venkatesh Kumar Sharma, S/o Ravindra Sharma,
2. Pawan Kumar @ Sarvesh Kumar S/o Ravindra Sharma, Both R/o
Village- Okari, P.S.- Ghosi (Okari), District- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-02-2018 Heard the learned counsel for the petitioners and the

learned counsel for the State.

The petitioners seek anticipatory bail in connection with Ghosi (Okari) PS case no. 252 of 2017 registered for the offences punishable under Sections 420, 379, 411 of the Indian Penal Code, Section 40/26-A of Minor Mineral Concession Rule 1972 and Sections 1,2 and 3 of Bihar Illegal Mining Storage and Transportation Act, 2003.

After some arguments, the learned counsel for the petitioners seeks permission to withdraw the present petition as against the petitioner no.1, namely, Venkatesh Kumar Sharma.

Accordingly, the petition as far as the petitioner no.1 is concerned, is disposed of as withdrawn.

Now, coming to the facts of the present case, it is



alleged that the accused persons used to sell sand by using their tractor.

The learned counsel for the petitioner submits that the petitioner no.2 has been falsely implicated in the present case and the tractor does not belong to the petitioner no.2. It is further submitted that as far as two cases pending against the petitioner no.2 are concerned, the same have been filed within one week of filing of the present case and, therefore, the complicity of the petitioner no.2 in the said cases is doubtful.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner No.2, namely, Pawan Kumar @ Sarvesh Kumar is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jehanabad in connection with Ghosi (Okari) PS case no. 252 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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