

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42258 of 2018

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1. Shamsher Alam @ Shamshir Alam, Son of Nurul Hoda Khan, Resident of Village- Turk Bigha Khiriawan, P.S.- Kachhawa, District- Rohtas.
2. Md. Alam Khan @ Aalamgir Khan, Son of Zamil Khan, Quarter No.517, Pani Tanki Area, Kurpania, Sunday Bazar, P.S.- Balidih, District- Bokaro (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 19-07-2018 Heard both sides.

The petitioners apprehend their arrest in Kachhawa P.S. Case No.23 of 2018 registered under Sections 379/411 of the Indian Penal Code and under Section 4/40 of Bihar Mining Act.

The gist of the allegation that the petitioners had committed theft of sand from the riverbed and they were taking the sand from the tractor.

The learned counsel for the petitioners submits that the petitioner no.1 is the owner of the tractor and petitioner no.2 is the driver of the tractor. It is submitted that there was no trailer with the tractor, therefore, the allegation of committing theft of sand is false. Only tractor of petitioner no.1 was seized.



Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on 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 A.C.J.M., Bikramganj (Rohtas) in connection with Kachhawa P.S. Case No.23 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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