

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.782 of 2018

Arising Out of PS.Case No. -104 Year- 2017 Thana -PANJWARA District- BANKA

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1. Nazir Ansari Son of Sayeed Ansari, Resident of Village-Begpur, P.S. Panjwara, District Banka
2. Bikash Yadav Son of Mani Lal Yadav, Resident of Village-Sabalpur, P.S. Panjwara, District Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Panjwara P.S.Case No. 104 of 2017 registered under Sections 379 and 411 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that from perusal of the First Information Report itself it would be manifest that only a tractor was recovered by the police, which was not attached with the trailer. It would further be pertinent to note that no sand was loaded on the tractor and no labour was found at the place of occurrence at the time of seizure of the tractor and, thus, the ingredients of the offences punishable



under Sections 379 and 411 of the Indian Penal Code would not be attracted.

On the other hand, learned counsel for the State submitted that from the FIR it would transpire that at the time of seizure of the tractor it was noticed by the police officer that sand was unloaded by the tractor having registration no. JH 17J-8490 on the west bank of river Cheer.

Be that as it may, regard being had to the nature of allegation as the petitioners are said to be the owner and driver of the tractor having no criminal antecedent, in the event of arrest or surrender before the court below within four weeks from today, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Panjwara P.S.Case No. 104 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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