

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9118 of 2018

Arising Out of PS.Case No. -707 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Bharat Kumar, Son of Nandlal Sah, Resident of Mohalla-Ward No. 7, Phakuli Kurhani, P.S.-Garaul District-Muzaffarpur.
 2. Rakesh Kumar, Son of Sudhakar Prasad Singh, Resident of Mohalla-Laxmi Narain Nagar, Bela R.K. Ashram, P.S.-Mithanpura District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-03-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in connection with Hajipur Town P.S. Case No. 707/2017 instituted for the offences under Sections 188, 379/34 of the Indian Penal Code and under B.M.M.C. Rule 1972 Rule 4, 40(i)(8)49 and Bihar Minerals (Prevention of illegal Mining Transportation Storage) Rule, 2003.

The allegation in the written report is that on confidential information that overloaded truck with sand is coming from Sonapur and crossing via Lalganj, the informant reached there with raiding party and found 18 trucks loaded with sand. Some of the drivers of the trucks fled away.



Learned counsel for the petitioners has submitted that the owner of the trucks bearing registration nos. BR06 GC 3264 and BR06 GC 3492 has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.02.2018 passed in Cr. Misc. No. 8506/2018. The petitioners are driver of the aforesaid trucks bearing registration nos. BR06 GC 3264 and BR06 GC 3492. It has further been submitted that under the new rules the authority can enhance the fine as per the law but the trucks have been illegally detained by the police for the reasons known to them.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with (Hajipur) Town P.S. Case No. 707/2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hajipur, subject to the conditions as laid down under Section 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 date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the



petitioners and (3) if the petitioners tamper 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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