

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4241 of 2018

Arising Out of PS.Case No. -358 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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1. Lalu Kumar, Son of Vinod Kumar, Resident of Village- Tarokhar,
Police Station- Giriak, District- Nalanda.
2. Sanjay Kumar, Son of Shri Karu Yadav, Resident of Village-
Shankarpur, Police Station- Giriak, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar
Mr. Niranjan Kumar

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2018

Heard the learned counsels for the parties.

The petitioners seek pre-arrest bail in connection with
Giriyak P.S. Case No. 358/2017 dated 23.10.2017 instituted for
the offences under Section 379 of the Indian Penal Code, Section
4/40 of the Bihar Minor Minerals Concession Rule, 1972 and
Section 8(d) of the Bihar Minerals (Prevention of Illegal Mining,
Transportation and Storage) Rule, 2003.

The petitioners are not named in the F.I.R. A tractor
bearing registration no. B 275 DI was found to be loaded with
sand and parked on the Dashrathpur- Pyarepur road in front of
Global Public School, Giriyak. The F.I.R. has been lodged by one
of the employees of Mahadev Enclave Pvt. Ltd, Jaipur, a pvt.



Enterprise, which had in the past, bagged the entire contract of sand for the district of Nalanda. Petitioner no. 1 is the owner of the seized tractor, whereas petitioner no. 2 is said to be the driver of the said tractor.

Learned counsel for the petitioners has submitted that without there being any basis for coming to the conclusion that the sand, which was loaded on the aforesaid tractor, was stolen one, the present case has been lodged.

The petitioners do not have any criminal antecedent.

For the facts stated above, the petitioners are directed to be released on bail, in the event of their surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Giriyak P.S. Case No. 358/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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