

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16783 of 2018

Arising Out of PS.Case No. -32 Year- 2018 Thana -NABINAGAR District- AURANGABAD

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1. Chandan Kumar Jaiswal, Son of Sarnath Jaiswal, Resident of Village-63, Katras Road, Matkuria, Police Station- Bank More, Dhanbad, Distt. Dhanbad, Jharkhand.

2. Rahul Kumar Sinha, Son of Ravi Shankar Prasad, Resident of Village-Dhamana, Police Station- Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Narendra Kumar, Advocate
: Mr. Tej Narayan Singh, Advocate
For the State : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioners and

the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Badem O.P./Nabinagar P.S. Case No.32 of 2018 for allegedly having committed the offence under Sections 379, 411, 420 of the Indian Penal Code and Section 4/40 of the Bihar Minor Minerals Concessions Rules,08 Bihar Illegal Mines Act and Transportation and Storage Rules.

Learned counsel for the petitioners submits that petitioner No.1 is the owner of the truck and petitioner No.2 is the Driver of the truck, who were apprehended by the Mining Officer on the suspicion that they were carrying sand



which had been mined illegally without permit. Learned counsel further submits that a very perusal of the F.I.R. reveals that vehicle was having valid permit from 05.02.2018 to 06.02.2018 and eventually, the vehicle was apprehended on the night of 06.02.2018. It is thus submitted that only on suspicion, the petitioners have been apprehending their arrest.

Considering the entire facts and circumstances and that the petitioners are vehicle owner and Driver of the truck in question, which is having valid permit, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Aurangabad, in connection with Badem O.P./Nabinagar P.S. Case No.32 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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