

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4894 of 2018

Arising Out of PS. Case No.-3 Year-2017 Thana- SARSI District- Purnia

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1. Sima Singh @ Smt. Sima Singh, W/o Dharmendra Singh, R/o 16/F Raja K.L. Gosawi Street, P.S.- Serampore Dist- Hogly (W.B).
 2. Jagdish Dutta S/o Late Pareesh Dutta , R/o 33 No- Chatra Godar Began, P.S.- Serampore , Distt (W.B.).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. DR. KUMAR UDAY PRATAP

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Sarsi P. S. Case No. 3 of 2017 registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 4(I),4-1(A), 21(I), 21 (II) of Mines & Mineral (Development & Regulation) Act, 1957 and Bihar Mineral Prevention of Illegal Mining Transportation and Storage Rules, 2003.

Allegedly, during inspection, the drivers of the two trucks did not produce mineral transport challan and accordingly, the petitioners being the owners of the two trucks have been made accused in this case.

Submission is of false implication and that the petitioners are the owners of the trucks and under valid challan the coals were purchased and were being transported. The drivers have produced the challan but the case has been lodged falsely. One of the co-accused Balwan Bhama one of the directors of M/s Vaishno Devi Traders (P) Ltd. has been allowed pre-arrest



bail vide Cr. Misc. No. 50259 of 2017 by another co-ordinate Bench of this Court and as such the petitioners deserve sympathetic consideration as the seizure list was prepared in utter violation of mandatory provision of Section 100 Cr.P.C.

Learned APP fairly submits that co-accused Balwan Bhama has been allowed pre-arrest bail.

In the facts and circumstances stated above, the petitioners above named, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sarsi P. S. Case No. 3 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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