

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8594 of 2018

Arising Out of PS.Case No. -574 Year- 2017 Thana -AMARPUR District- BANKA

- =====
1. Basanti Devi, Wife of Bihari Chauhan, Resident of Village- Bachhni P.O.- Ranikitta, P.S.- Amarpur, District- Banka.
 2. Chandan Yadav, Son of Ramrup Prasad Yadav, Resident of Village- Kuntha, P.O.- Kodanda, P.S.- Shambhuganj Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 17-02-2018 Heard both sides.

The petitioners apprehends their arrest in Amarpur P.S. Case No.574 of 2017 registered under Sections 379, 411 of the Indian Penal Code and Bihar Minor Mineral Concession Rules, 1972 of Rules 4 and 40 and 4/21 of M.M.R.D. Act, 1957.

The petitioner has been made accused only on the ground that the tractor of the petitioner bearing RegistrationNo.BR51-G-1124 was found loaded with sands by the side of the road.

The learned counsel for the petitioner submits that no sand was loaded on the tractor of the petitioner even the driver, i.e., petitioner No.2 was not arrested on the spot.

Considering the facts aforesaid and the nature of allegation



made against the petitioners and the fact that the petitioner No.1 is the owner of the tractor and petitioner No.2 is the driver of the tractor seized with loaded sands, the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt / production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka, District-Banka in connection with Amarpur P.S. Case No.574 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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