

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43879 of 2018

Arising Out of PS.Case No. -116 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Rajendra Prasad Gupta Son of Deep Chandra Sah Resident of Village - Amari, P.S. Karbandia, District Rohtas.
2. Upendra Sah @ Upendra Kumar Sah Son of Haricharan Sah Resident of Village - Riwan Akhtiyar, P.S. Kargahar, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-07-2018 The petitioners are apprehending their arrest in connection with Barun P.S. Case No. 116 of 2018, registered for offences punishable under Sections 379, 411 and 420/34 of the Indian Penal Code and Section 4 and 40 of Bihar Minor Mineral Concession Rule and Section 15 of Environment Protection Act.

Allegation against the petitioners is of illegally mining the sand.

It has been submitted on behalf of the petitioners that the tractor were intercepted from the road side and it has falsely been alleged that they were caught while mining the sand. Petitioner no. 1 is the owner and petitioner no. 2 is his driver, and have falsely been made accused in this case.



Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 116 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the



prosecution is free to move for cancellation
of their bail bonds.

(Vinod Kumar Sinha, J)

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