

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1410 of 2018

Arising Out of PS.Case No. -704 Year- 2017 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

- =====
1. Hansraj Kumar, son of Bijendra Prasad, resident of village- Kharjama, Police Station- Ekangarsarai, District- Nalanda.
 2. Robin Kumar, son of Chandra Deo Gope, resident of Mohalla- Ward No.1 Hilsa+ Police Station- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-01-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Hilsa P.S. Case No.704 of 2017 registered under Section 379 of the Indian Penal Code, Sections 4 and 40 of the Bihar Mining and Minerals Rule, 1972 and Section 8 of the Bihar Mining Illegal Act, 2003.

It is submitted by the learned counsel for the petitioners that nothing has been recovered from the tractor or trailer of the petitioners and only on the basis of vague statement, the FIR has been instituted. He submitted that admittedly at the time of



recovery the petitioners were not present. It would be manifest that the tractor and trailer were seized from the field of Kalendra Prasad. As a matter of fact, Kalendra Prasad had hired the tractor for loading soil of his field, but the police under mistake instituted the case. He submitted that the petitioners having got roots in the society is not likely to abscond or tamer with the evidence.

Regard being had to the nature of case and the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Hilsa, Nalanda in connection with Hilsa P.S. Case No.704 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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