

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53170 of 2018

Arising Out of PS.Case No. -85 Year- 2018 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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1. Jitendra Kumar @ Jitendra Kr. Singh Son of Ram Singar Singh Resident of Village- Chanda, Police Station- Athmal Gola (Barh), District- Patna.
2. Rajiv Kumar Son of Dinesh Singh@ Dineshwar Singh Resident of Village- Chanda, Police Station- Athmal Gola (Barh), District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Ajeet Kumar

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 379/34 of the Indian Penal Code and Sec. 4/40 of Minor Mineral Concession Rule, 1972 and Section 8(and ¾ of Dowry Prohibition Act) of Bihar Minerals (Prevention of illegal Mining transportation and Storage) Rule, 2003.

The prosecution case, in brief, is that in course of patrolling, the police seized two tractors with trailer without number, overloaded with sand. The petitioners are alleged to be owners of the tractors in question.

It has been submitted on behalf of the petitioners that the



petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in this case. The allegation is that the tractor in question was loaded with the sand. The petitioners had no knowledge regarding the alleged incident. Petitioners are owners of the tractors in question.

On behalf of the State, it is submitted that the petitioners' name has transpired by drivers of the tractors in question.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing 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, Nalanda at Bihar Sharif in connection with Harnaut P.S. Case No. 85 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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