

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.72665 of 2018

Arising Out of PS. Case No.-207 Year-2018 Thana- BARUN District-
Aurangabad

- =====
1. Tutu Kumar Son of Mahamaya Singh,
 2. Sunil Singh @ Sunil Kumar Singh, Son of Ram Swarup Singh, Both resident of Village- Jangi Bigha, P.S. Narari Kala Khurd, District- Aurangabad.
 3. Sanjay Chaudhary, Son of Jagdish Chaudhary,
 4. Monu Bari, Son of Manoj Bari, Both resident of Village- Mohanganj, P.S. Barun, District- Aurangabad, All resident of Village- Mohanganj, P.S. Barun, District- Aurangabad.

... .. Petitioner/s

Versus

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 Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-12-2018 Mr. Sanjay Kumar, learned counsel for the

petitioners seeks permission to withdraw the application

with respect to petitioner No. 1/Tutu Kumar and petitioner

No. 4/Monu Bari, who have been arrested.

Prayer is allowed.

The application of petitioner No. 1/Tutu Kumar



and petitioner No.4/Monu Bari is dismissed as having become infructuous with their arrest.

The petitioner Nos. 2 and 3 seek bail in anticipation of their arrest in connection with Barun P.S. Case No. 207 of 2018 dated 28.10.2018 instituted for the offences under Sections 147, 149, 341, 183, 323, 353, 504, 506 of the Indian Penal Code.

Mr. Sanjay Kumar, learned counsel for the petitioners, while canvassing for anticipatory bail of petitioner Nos. 2 and 3 has argued that the allegation against petitioner Nos. 2 and 3 and several others is of obstructing the Police Party from escorting the tractors which were found to have been loaded with sand which was unauthorizedly extracted. A case with respect to such tractors having been loaded with illegally extracted sand has also been lodged in which petitioner Nos. 2 and 3 have been made accused as the owners of the aforesaid tractors.

The learned counsel for the petitioners has submitted that nothing specific has been attributed



against petitioners of the present case. There is a reason for naming the petitioner Nos. 2 and 3 in the F.I.R as in the earlier case, the petitioner Nos. 2 and 3 have been shown as owners of the tractor. It has further been submitted that in fact the tractors owned by the petitioner Nos. 2 and 3 were given to be plied commercially to the drivers with specific instructions that the vehicles should not be used in breach of any law. By flouting the aforesaid instructions, the tractors of the petitioner Nos. 2 and 3 were used.

In any view of the matter, in the present case, there is no specific accusation against the petitioner Nos. 2 and 3 of obstructing the Police Party in taking the intercepted tractors to the Police Station.

Regard being had to the aforesaid facts, the petitioner Nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) 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. 207 of 2018, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Ashutosh Kumar, J)

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