

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1701 of 2018

Arising Out of PS. Case No.-180 Year-2015 Thana- AMARPUR District- Banka

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1. Brajesh Singh @ Brajesh Kumar Singh, S/o Triveni Prasad Singh, R/o Village- Kathail, P.S.- Amarpur, District- Banka.
 2. Pintu Paswan S/o Ragho Paswan, R/o Village- Showmanpur, P.S.- Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, APP

For the Opposite Party/s : Mr. Naresh Dixit, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned Counsels for the petitioners and learned
Special PP for the Mines.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code and Rules 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972.

The prosecution case is that the Circle Officer, Amarpur intercepted four tractors loaded with sand and brought the same to the police station on 02.06.2015, leading to registration of FIR on 13.06.2015.

It is submitted by learned counsel for the petitioners that petitioner no.1 is the owner of the vehicle in question, whereas, petitioner no. 2 is the driver. Petitioner no.1 purchased the tractor in question, bearing Registration No. BR-51-8785, on



23.06.2016, subsequent to lodging of the FIR. Moreover, the tractor was seized on 02.06.2015. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. Naresh Dixit, learned Spl. PP for the Mines Department that the sands are being transported without valid challan, while being acknowledged that in such case the vehicle is seized.

Considering the delayed lodging of the FIR coupled with the claim of the petitioner no.1 that he is purchaser of the truck in question subsequent to lodging of the case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Banka, in connection with Amarpur P.S. Case No. 180/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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