

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.507 of 2018

Arising Out of PS.Case No. -152 Year- 2017 Thana -BARUN District- AURANGABAD

- =====
1. Surendra Singh, S/o Late Kamla Singh, R/o Village- Barun Ganj, P.S.-
Barun, District- Aurangabad.
 2. Ram Bachan Singh @ Ram Bachan Kumar S/o Deo Raj Singh, R/o
Village- Chander Bigha, P.S.- Barun, District- Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Barun P. S. Case No. 152 of 2017 registered under
Sections 379, 420/411 of the Indian Penal Code and 3, 4 and 5
of Bihar Illegal Mines Act.

It is contended by the learned counsel for the
petitioners that the house of petitioner no. 1 is situated near the
alleged place of occurrence and the said tractor was seized
outside the house, namely, Shiv Shakti, which is the name of
house owned by the petitioner no. 1. It is further submitted that
the trailer was not loaded with any illegally mined sand as
alleged in the FIR. He submitted that the present case is the



outcome of the dispute between the State Government and local sand contractors and most of the vehicle owners and drivers are being implicated in the cases of this nature due to executive arbitrariness and administrative highhandedness.

On the other hand, learned Additional Public Prosecutor for the State opposing the application for grant of pre-arrest bail submitted that the trailer belonging to the petitioner no. 1 attached with the tractor was found loaded with illegally mined sand.

Be that as it may, taking into consideration the submission made in para-3 of the application that the petitioners have got no criminal antecedent, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad in Barun P. S. Case No. 152 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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