

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23426 of 2018

Arising Out of PS. Case No.-185 Year-2017 Thana- BARUN District- Aurangabad

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1. Brajesh Kumar, S/o Jitwandan singh, Resident of Village- Sasna, P.S.- Narari Kala Khurd, District- Aurangabad.
 2. Shakil Giri @ Sikil Giri, S/o Ambika Giri, resident of Village- Bakhtarpa, P.S.- Baroon, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Barun P.S. Case No. 185 of 2017, instituted for the offence under Sections 379,411,420/34 of the IPC and Section 3,4,5 of Bihar Illegal Mines Act and Section 75 of Bihar Minor Minerals Rule.

In the written report, it is alleged that some tractors were found loaded with sand. All these four tractors were seized. The petitioners are said to be owner and driver of the seized tractor bearing registration no. BR45G-9921.

Learned counsel for the petitioners has submitted that the aforesaid tractor was not a stolen property rather it was registered with DTO, Kaimur, in the name of petitioner no. 1



and petitioner no. 2 was driver of the said tractor.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Barun P.S. Case No. 185 of 2017, to the satisfaction of the learned CJM, Aurangabad, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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