

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5743 of 2018

Arising Out of PS.Case No. -219 Year- 2017 Thana -BARUN District- AURANGABAD

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1. Babulal Yadav, Son of Shankar Deo, Resident of Village- Bharma, Police Station- Fulpur, District- Azamgarh (Uttar Pradesh).
 2. Ashok Kumar Yadav, Son of Chhotelal Yadav, Resident of Village- Norha Azamgarhs, District- Azamgarh (Uttar Pradesh).
 3. Tarashankar Yadav, Son of Yaduvansh Yadav, Room No.329, Sakseria Chal Hajipur Road, Poddar Sale Samore, Govindayal Malad, East Mumbai, Maharastra- 400097.
 4. Ashfaq Rayees, Son of Mohammad Khan, Room No.33, Mohammad Rafi Chal No.3, Haji Bapu Road, Govind Nagar, Dhobi Ghat, Mumbai, Malad East, Maharastra- 400097.
 5. Samar Bahadur Yadav, Son of Mithailal Yadav, Resident of Sahabad, P.O.- Naharpur, P.S.- Pawai Azamgarh, District- Azamgarh (Uttar Pradesh).
 6. Chandresh Kumar Yadav @ Chandresh, Son of Shivjod Yadav, Resident of Village- Jaurahara Paliya Mafi Pidharganj, District- Azamgarh (Uttar Pradesh).

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-02-2018

Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection



with Barun P.S. Case No.219 of 2017 registered under Sections 379, 411, 420, 120B read with 34 of the Indian Penal Code and Sections 3, 4 and 5 of the Bihar Illegal Mines Act.

It is submitted by the learned counsel for the petitioners that petitioner nos. 1 and 2 are the owner of the truck bearing Registration No.UP-50BT 5343 and UP-50AT-0934, petitioner no.3 is the owner of trucks bearing Registration Nos. MH-04HD-1366 and MH-4GR-0838 and petitioner nos. 4,5 and 6 are the drivers of truck bearing Registration Nos. MH-4GR-0838 and MH-04HD-1366 respectively. He submitted that two other co-accused namely, Baban and Ranjan Gupta, who are alleged to be owner of the illegally mined sand and who are alleged to be instrumental in getting those sand loaded on different vehicles have already been granted pre-arrest bail by a Bench of this Court vide order dated 16.01.2018 passed in Cr. Misc. No.3157 of 2018. Similarly, two other co-accused namely, Vijay Bahadur Singh and Ashwani Ranjan, who are alleged to be owners of certain plant and machinery being used for loading the sand over trucks have already been granted pre-arrest bail by a Bench of this Court vide order dated 02.02.2018 passed in Cr. Misc. No.5273 of 2018. It is further contended that the petitioners have valid national permit for plying their trucks in



India anywhere. They, thereafter, on the false pretext of local agents they were sent for loading the trucks for carrying sand having all valid documents and later on, they became the victim of circumstances on account of highhandedness of acts of local persons.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners.

Having regard to the nature of allegation and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioners 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 219 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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