

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45483 of 2018

Arising Out of PS.Case No. -25 Year- 2018 Thana -MALI District- AURANGABAD

- =====
1. Sudhir Singh, son of Rajeshwar Singh, resident of Village Jobe P.S.- Nabinagar, District Aurangabad.
 2. Mukesh Kumar, son of Vikaram Singh, resident of village- Rahra, P.S. Nabinagar, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s: Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-08-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Mali P.S. Case No.25 of 2018** instituted for the offence under Sections 379, 411/34 of the Indian Penal Code, Section 4/40 B.M.M.C. Rule 1972 and Section 15 of the Pollution Act.

Counsel for the petitioner has submitted that petitioner No.1 is owner and petitioner No.2 is driver of tractor which has been seized by the police. The petitioner had loaded his own sand on the tractor for being transported to their construction site. Police has illegally made petitioner as accused in the instant case.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the



event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Mali P.S. Case No.25 of 2018**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Aurangabad**, subject to the conditions as laid down under Section 438 (2) 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 date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper 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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