

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46597 of 2018

Arising Out of PS.Case No. -135 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Sunil Kumar, S/o Ram Naresh Singh,
2. Binesh Kumar S/o Rajdeo Yadav, Both R/o Vill.- Dighi, P.S.- Barun,
District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 14-08-2018 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in Barun P.S.
Case No. 135/2018, instituted for the offences punishable under
Sections 379, 411, 420/34 of the Indian Penal Code read with
Sections 4, 40 of BMMC Rules, 1972 and Section 15 of
Environmental Protection Act, 1986.

Learned counsel for the petitioners has submitted that
petitioners are owner and driver respectively of the tractor as
mentioned in the written report at serial no. 3. Petitioner no. 2
(driver) after loading sand had parked the tractor near the office of
lessee and had gone to collect challan from the office. In the
meantime, a raid was conducted and the tractor was seized.



Considering the facts and circumstances of the case, the 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 Barun P.S. Case No. 135/2018, 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 the learned Chief Judicial Magistrate, Aurangabad, subject to the conditions as laid down under Section 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 date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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