IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54168 of 2018

Arising Out of PS. Case No.-22 Year-2018 Thana- RAJAON District- Banka

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1. Mukesh Sah, son of Manmohan Sah of village – Madhay Sanjha, P.S. Rajoun, District – Banka, Owner-cum-Driver of Tractor bearing registration no. BR 51G-0477, Engine No. and Chesis No. RFN 104923 with Trailor bearing registration no. BR 51G -048, Chesis No. PFK 2DA40201017.
2. Rupesh Kumar, son of Gopal Mandal of village – Kharik, P.S. Kharik, District – Bhagalpur, Owner of Tractor bearing registration no. BR 51G-3318, Eng. - RHM2BBN0354, Chesis No. MBNABACFCHRM00192 with trailor bearing registration no. BR 51G-3319, Chesis No. PFK2DA11820172018.
3. Karel Rajak @ Karil Rajak, son of Brichan Rajak of village – Bhawanipur, P.S. - Jagdishpur, District – Bhagalpur, Driver of Tractor bearing registration no. BR61G-3318 along with trailor bearing registration no. BR61G-3319.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

2 12-09-2018 Heard learned counsels for the petitioners and the State.

Petitioners apprehend their arrest in connection with Rajoun P.S. Case No. 22 of 2018 registered for the offence punishable under sections 379 and 411 of the Indian Penal Code, Section 4/40 Bihar Minor Minerals Concession Rules 1972 and Section A/21(i) and 4(A) of Mines and Minerals Development and Regulation Act, 1952.

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Learned counsel appearing for the petitioners submits that Petitioners are innocent and have falsely been implicated in this case merely because they are owner and driver of the vehicles in question. At best, this is a case of theft of sand and as such no case under Section 379, 411 of the I.P.C. is made out. Further, except Section 4/40 Bihar Minor Minerals Concession Rules 1972, other Sections are not applicable and Section 4/40 Bihar Minor Minerals Concession Rules 1972 is bailable in nature. Petitioners have no any criminal antecedent.

Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners, above named, in the event of arrest or surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 22 of 2018 subject to the conditions laid down under section 438(2) Cr.P.C.

(Arvind Srivastava, J)

mcv/-Sanjeev

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