

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43387 of 2018**

Arising Out of PS. Case No.-49 Year-2018 Thana- BARUN District- Aurangabad

1. Sumesh Kumar Singh S/o Dhanesh Singh, R/o vill. Dharhara, P.S. Darihat,  
Dist. Rohtas  
2. Daya Shankar Bharti S/o Kailash Prasad, R/o vill. Ayarkotha, P.S. Darihat,  
Dist. Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      27-07-2018              Heard learned counsel for the petitioners and learned APP for  
the State.

Petitioners apprehend their arrest in Barun P.S. case no. 49 of  
2018 instituted for the offence under Section(s) 379, 411, 420 of the  
Indian Penal Code and Section 4/40 of Bihar Minor Mineral  
Concession Rule, 1972, and Section 15 of Environment Protection  
Act, 1986.

In the written report, it is alleged that official at Keshav Balu  
Ghat, Barun found 19 tractors loaded with sand. Out of 19, 14  
drivers were also apprehended. Five drivers managed to run away.  
The petitioners are said to be the owner and driver of one of the  
tractor.

Learned counsel for the petitioners has submitted that no sand



was loaded on the tractor of the petitioners. The other co-accused of this case has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 4.5.18 passed in Cr. Mic. no. 26407 of 2018.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail 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. 49 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 the CJM 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 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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