

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62791 of 2017

Arising Out of PS.Case No. -302 Year- 2017 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

- =====
1. Lal Babu Rai, Son of Jai Sagar Rai, Resident of Village- Panchnaur, P.S.- Belsand, District- Sitamarhi.
 2. Mahendra Sah, Son of Janak Sah, Resident of Village- Rajkhan Basantpur, Police Station- Aurai, District- Muzaffarpur.
 3. Sanjeev Kumar, Son of Surendra Rai, Resident of Village- Panchnaur, P.S.- Belsand, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

- 2 30-01-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection with Bidupur P.S. Case No.302/2017 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and Rule 40 and 49 of Bihar Minor Mineral Concession Rule, 1972 and Sections 3 and 8 of the Bihar Mining Act, 2003.

At the very outset, it is submitted that the petitioners are the driver of the trucks. The owners of the trucks have already been allowed pre arrest bail vide Cr. Misc. No.59418 of 2017, and as such the petitioners also deserve sympathetic consideration as



police has instituted false case. From perusal of seizure list, it reveals that the trucks were seized on 21.09.2017 but F.I.R. was registered on 27.09.2017, and the same was sent to the Court on 04.10.2017.

Learned A.P.P. is not in a position to justify the action of police in institution of the F.I.R. after six days, after the alleged seizure of the trucks and transmission of the same to the Court after seven days of the institution of the F.I.R.

In the facts and circumstances as stated above, let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on 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 A.C.J.M.-XIV, Vaishali at Hajipur, in connection with Bidupur P.S. Case No.302/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

Amit/-

U		T	
---	--	---	--

