

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22840 of 2018

Arising Out of PS. Case No.-23 Year-2018 Thana- Dawath District- Rohtas

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1. Sanjay Kumar Sah @ Sanjay Gupta @ Jangali S/o Late Bhagwan Sah R/o Village - Maliyabagh, P.S. - Dawath, District - Rohtas.
 2. Sunil Kumar Gupta S/o Late Radheshyam Sah R/o Village - Bithaon, P.S. - Dawath, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Dawath P.S. Case No. 23 of 2018 (G.R. No. 196 of 2018) registered for offences under sections 379/34 of the Indian Penal Code and Section 40(i) (vii) of the Bihar Mines & Minerals Act.

As per allegation made in the Fardbeyan, on 4.3.2018, the Circle Officer, Dawath received information of illegal mining of sand. The truck was intercepted and seized.

Learned counsel for the petitioners submits that the sand was being carried on valid Challan which is annexed as Annexure-3 to this application and submits that the sand was



being carried legally and the petitioners have committed no offence as alleged against them. The petitioner nos.1 is the owner and petitioner no.2 is the driver of the truck.

Looking to the entire facts and circumstances of the case, let the petitioners, namely, Sanjay Kumar Sah @ Sanjay Gupta @ Jangali and Sunil Kumar Gupta, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 learned Sub-Divisional Magistrate, Bikramganj in connection with Dawath P.S. Case No. 23 of 2018 (G.R. No. 196 of 2018), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been cancelled.

(Shivaji Pandey, J)

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