

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13498 of 2018

Arising Out of PS.Case No. -1140 Year- 2017 Thana -SA SARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Badal Yadav, S/o Doma Yadav,
2. Manoj Yadav S/o Ram Chandra Yadav,
3. Kalu Yadav S/o Ram Nath Yadav,
4. Dhiraj Yadav S/o Jokhan Yadav, All R/o Village- Baharar, P.S.- Sasaram
(Muf.), District- Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-04-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Sasaram (Muf.) P.S.Case no.1140/17 , registered for offences punishable under Sections 379, 411 and 34 of the Indian Penal Code and 4/40 of Bihar Mining Act.

Allegation against the petitioners is that they were illegally excavating the sand and selling the same and when the police party raided the place, 40-50 people were there and the petitioners are named in the FIR also.

Submission of the learned counsel for the petitioners is that they have been falsely implicated in this case only on the basis of suspicion and they have no criminal antecedent. It is submitted that the petitioners have been made accused only on the basis of



suspicion and neither they are owner of the sand nor vehicle is of the petitioners and they have no criminal antecedent.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, surrender before the court below within a period of six weeks from the date of order and on their surrender they will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas (Sasaram) in connection with Sasaram (Muffasil) 1140 of 2017 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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