

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25608 of 2018

Arising Out of PS. Case No.-102 Year-2018 Thana- DURGAWATI District- Bhabhua
(Kaimur)

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1. Om Prakash Singh, Son of Dilram Singh, Resident of Village- Devkali, P.S.- Mohania, District- Kaimur (Bhabua).
 2. Chandrama Tiwari, Son of Late Shambhu Nath Tiwari, Resident of Village- Tajpur Chandrawati, P.S.- Chaubeypur, District- Varanasi (U.P.)
 3. Vijay Pandey, Son of Jagdish Pandey, Resident of Village- Pandepur, P.S.- Pandeypur, District- Varanasi (U.P.)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-05-2018 Heard the learned counsel for the petitioners
and the State.

The petitioners seek bail in anticipation of their arrest in connection with Durgawati P.S. Case No. 102 of 2018 dated 19.03.2018 instituted for the offences under Sections 379, 411/34 of the Indian Penal Code and Rule 40 of Bihar Minor Mineral (Prevention of Illegal Mining Transportation and Storage) Rule 2003.

A truck loaded with sand was found near a railway crossing, which is a violation of the Bihar Minor Mineral (Prevention of Illegal Mining Transportation and Storage) Rule 2003.



Learned counsel for the petitioners has submitted that petitioner no. 1 is the owner of the truck in question whereas petitioners no. 2 and 3 are the driver and the cleaner. It has further been submitted that the sand which was loaded on the truck was not a stolen one, rather it was against a valid Challan. Without there being any basis for prosecuting the petitioners, they have been made accused in the present case.

The petitioners do not have any criminal antecedent.

Considering the aforesaid facts, the petitioners above named are directed to be released on bail, 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 102 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

Krishna/-
Ved/-

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