

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24679 of 2018

Arising Out of PS.Case No. -209 Year- 2017 Thana -VAISHALI District- VAISHALI
(HAJIPUR)

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1. Arun Rai @ Vijay Kumar, Son of Late Ram Nandan Rai,
2. Pukar Sah alias Ram Pukar Sah, Son of Late Mahabir
Sah,
Both residents of Village- Khanjaha Chak, P.S.- Lalganj,
District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 25-04-2018 The petitioners seek bail in anticipation of their
arrest in connection with Vaishali P.S. Case No. 209 of 2017,
dated 10.08.2017, instituted for the offences punishable
under Sections 447 and 379 of the Indian Penal Code and
Section 40 (viii) of the Bihar Minor Mineral Concession Act,
1972 (in short the **BMMC Act**).

A team of the Sub-Inspector of Police and Circle
Officer found three tipping trucks which were loaded with
sand and were proceeding towards a pond. It was learnt by



the team that the sand belonged to the petitioners. On the basis of the aforesaid suspicion, the petitioners have been made accused in this case.

Learned counsel for the petitioners has submitted that they have got no concern either with the vehicle or with the sand which was allegedly being attempted to be transported. It has further been submitted that the provisions of the BMMC Act are no longer applicable and Sections 447 and 379 of the Indian Penal Code are not attracted. The allegation on face of it, appears to be absolutely vague. There is no link as to how the petitioners have been made accused in the present case.

The petitioners do not have any criminal antecedent.

For the aforestated facts, the petitioners above named are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 209 of 2017.

(Ashutosh Kumar, J)

Praveen-II/-

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