

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37507 of 2018

Arising Out of PS.Case No. -22 Year- 2018 Thana -MALI District- AURANGABAD

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1. Malti Devi, W/o Janeshwar Singh, R/o Village- Lakhaipur, P.S.- Narari Kala Khurd, District- Aurangabad (Bihar).
2. Saroj Kumar Singh, S/o Anugrah Singh, R/o Village- Swarjpuri Road P.S.- Gaya, District- Gaya (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek anticipatory bail in a case instituted for the offences under Sections 379, 411/34 of the Indian Penal Code, Section 4/10 of Bihar Minor Mineral Concession Rules, 1972 and Section 15 of Prevention of Pollution Act.

Allegation has been made that the tractor was carrying illegal sand without valid challan.

Learned counsel for the petitioners submits that in fact the valid challan was there for carrying the sand loaded in the tractor and he will produce the same for verification before the court below at the time of granting bail.



The petitioner no.1 is owner of the tractor and he has no knowledge about the activity of the driver as to which type of sand he was carrying.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioners, namely, Malti Devi and Saroj Kumar Singh, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Mali P.S. Case No.22 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that bail of petitioner no.2 will only be considered subject to proper verification of the challan. If the challan is not found to be genuine, it will be treated that no bail has been granted to petitioner No.2.

(Shivaji Pandey, J)

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