

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27573 of 2018

Arising Out of PS.Case No. -69 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Sushil Kumar S/o Kamta Prasad Singh R/o Village English, P.S. Barun,
District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar – 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-05-2018 Heard the parties.

The petitioner seeks anticipatory bail in connection with Barun P. S. Case No. 69 of 2018, registered for offences punishable under Sections 379, 420/34 of the Indian Penal Code and Section 4/40 of Bihar Mines Act and 15 of Prevention of Pollution Act.

Allegation against the petitioner, who happens to be the driver of the tractor and after seeing the police, the drivers were unloading the sand from Kochar Balu Ghat started fleeing away but police apprehended the accused persons including the petitioner.

Submission of the learned counsel for the petitioner is that nothing has been recovered from the possession



of the petitioner and the petitioner is only a driver of the tractor and he has been falsely implicated in this case and some other accused persons have been granted anticipatory bail by Co-ordinate Benches of this Court vide order dated 30.04.2018 passed in Cr. Misc. No. 24550 of 2018 and vide order dated 07.05.2018 passed in Cr. Misc. No. 27309 of 2018 and the case is of similar nature. It is also submitted that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for bail .

Having heard both sides and in view of the facts discussed above, let the petitioner above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, 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 learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S.Case No. 69 of 2018, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure.

With following conditions:-

- i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned



court.

- ii) The petitioner will not induce any witness or tamper with the evidence.
- iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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