

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42701 of 2018

Arising Out of PS.Case No. -116 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Sujit Kumar Kamal, S/o Sudarshan Paswan, Resident of Village- Urda, P.S.- Chenari, District- Rohtas.
 2. Rahul Kumar Deo @ Rahul Kumar, S/o Rishi Ram, Resident of Village- Nahar Colony, P.S.- Sasaram, District- Rohtas.
 3. Seema Devi, W/o Dhirendra Kumar, Resident of Village- Parashdiha, P.S.- Shiv Sagar, District- Rohtas.
 4. Dhirendra Kumar, S/o Arjun Ram, Resident of Village- Parashdiha, P.S.- Shiv Sagar, District- Rohtas.
 5. Pankaj Kumar, S/o Laxman Singh, Resident of Village- Chakanawa, P.S.- Indrapuri, District- Rohtas.
 6. Manoj Kumar Singh, S/o Shiv Bachan Singh, Resident of Village- Khairadih, P.S.- Karakat, District- Rohtas.
 7. Lal Bihari Yadav, S/o Late Janki Yadav, Resident of Village- Mirjapur, P.S.- Tilauthu, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-07-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Barun P.S.Case no.116 of 2018 , registered for offences punishable under Sections 379, 411, 420 of the Indian Penal Code and Section 4/40 of Bihar Mines and Mineral Concession Rule and 15 of Environmental Protection Act.

Allegation against the petitioners who happen to be owner of the tractor is that their tractor along with several other tractors were intercepted by the police carrying illegal sand.



Submission of the learned counsel for the petitioner is that they were transporting sand from one place to another and they have valid challan but could not produce at the time of raid.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated 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 receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Aurangabad in connection with Barun P.S.Case No.116 of 2018 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 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.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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