

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26597 of 2018

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

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1. Birendra Singh, son of Banarsi Singh, resident of village - Hundra Kala, P.S. Belaon, District Kaimur at Bhabua.
 2. Indrajeet Singh, son of late Ramchandra Singh, resident of village - Belaon, P.S. - Belaon, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. M.D. of Mines & Minerals Department, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3/ 17-05-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Barun P.S.**
Case No.69 of 2018 instituted for the offence under Section(s)
379, 420/34 Indian Penal Code, Section 4/40 of the Bihar Mines
Act and Section 15 of the Prevention of Pollution Act.

It has been submitted that petitioner no.1 is Driver
of Tractor and petitioner no.2 is owner of the seized Tractor,
which is mentioned at serial no.23 of the seizure list.

In the written report, it is alleged that the informant
raided Kochar Balu Ghat under Barun P.S. and found 35 Tractors
loaded with sand. Having seen the police, the drivers after
unloading the sand started fleeing away. The police chased them.
Then 29 Tractor drivers having parked empty tractors succeeded



in fleeing away.

In the written report itself, it is mentioned that Tractors were lying empty. Petitioners were not present at the spot.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Barun P.S. Case No.69 of 2018**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Aurangabad**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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