

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47148 of 2018

Arising Out of PS.Case No. -133 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Sushil Kumar, S/o Harikrishna Singh, R/o Vill.- Inglis, P.S.- Barun, District- Aurangabad (Bihar).
 2. Ravi Ranjan Kumar S/o Ramadhar Singh, R/o Vill.- Husenabad, P.S.- Phesar, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Cum Commissioner Department of Mines and Geology, Government of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-08-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Barun P.S.Case no.133 of 2018 , registered for offences punishable under Sections 379, 420, 411/34 of the Indian Penal Code.

Allegation against the petitioners as per FIR is that seven tractors were intercepted as they were engaged in illegal trafficking of sand.

Submission of the learned counsel for the petitioners is that as a matter of fact the tractors were engaged in taking the sand from the storage of the sand kept by contractor having valid



licence and that is not illegal and it is not so that they were extracting the same and engaged in illegal trafficking of sand.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, 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 the learned C.J.M., Aurangabad in connection with Barun P.S.Case No.133 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 petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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