

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.117 of 2019

Arising Out of PS. Case No.-225 Year-2018 Thana- BARUN District- Aurangabad

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1. Usha Devi, (F), aged about 51 years, Wife of Ram Charitr Ram, Resident of Lodi Baraw, P.S.- Sasaram, District- Rohtas.
 2. Manish Kumar (M), aged about 26 years, son of Ram Charitr Ram, Resident of Lodi Baraw, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 10-01-2019 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Barun P.S. Case No. 225 of 2018, registered for the offences punishable under Sections 379, 411, 420, 34 of the Indian Penal Code and Section 4/40 of Bihar Minor Mineral Concession Rules – 1972 and Section 15 of Environment Protection Act, 1986.

Allegation has been made that the petitioners were carrying the illegal sand without any document.

Learned counsel for the petitioners submits that petitioner no.1 is the owner of the vehicle and petitioner no.2 is the driver. For petitioner no.1, it is submitted that she is a lady and having no knowledge about the vehicle laden with illegal sand. For petitioner no.2, it is submitted that it is the first time he has committed the



mistake and he undertakes that he will not involved in such type of offence in future.

Looking to the entire facts and circumstances of the case, let the petitioners above-named be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, in connection with Barun P. S. Case No. 225 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with a further condition that if the petitioners, after their release in this case, are again found involved in similar nature of cases then the concerned court would be at liberty to take steps for cancellation of their bail bonds. Further, whenever the police will call the petitioners for the purposes of investigation and interrogation, they will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan

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