

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.288 of 2019

Arising Out of PS. Case No.-227 Year-2018 Thana- BARUN District- Aurangabad

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1. Anjar Kho @ Anjar Khan, age- 50 years, (M), son of Mokhtar Khan, Resident of village- Walidad, P.S.- Kaler, District- Arwal.
 2. Yasin Khan aged 50 years, (M) Son of Md. Vakil, Resident of Village- Sekh Bigha, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Sri Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 11-01-2019 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Barun Police Station Case No. 227 of 2018 registered for offence punishable under sections 379, 411, 420/34 I.P.C., 4/40 BMMCR & 15 Pollution Act.

The truck, in which the illegal sand loaded from the Sone River, was seized. The petitioner no. 1 is owner and the petitioner no. 2 is driver of the said vehicle.

As has been submitted that the petitioner no. 1 is the owner of the vehicle and he has no knowledge about the illegal activity.

Looking to the facts and circumstances of the case,



the prayer for bail of the petitioner no. 1 is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of C.J.M., Aurangabad in connection with Barun Police Station Case No. 227 of 2018, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

So far the petitioner no. 2 is concerned, the learned counsel for the petitioner makes a prayer to withdraw this application.

Accordingly this application is dismissed as withdrawn with regard to petitioner no. 2.

(Shivaji Pandey, J)

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