

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2637 of 2019

Arising Out of PS. Case No.-254 Year-2018 Thana- RAMNAGAR District- West Champaran

1. Ramji Mahto and Anr Sabdev Mahto, resident of Village- Badi Pat, Police Station- Chanpatiya, District- West Champaran.
2. Nagendra Kumar Giri Prabhu Nath Giri, resident of Village Inerwa, P.S- Inerwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7, Adv.
For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 22-01-2019 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 Ramnagar P.S. Case No. 254 of 2018 registered for offence punishable under sections 379 of the Indian Penal Code.

As per FIR, the lease holder has called different persons to pick up the sand and in pursuance thereof, the driver had gone along with the tractor of the petitioners to lift the sand from Masan River during rainy season when there was a ban by the Government removing the sand from the said river.

As the petitioner has no criminal antecedent



inasmuch as as per the petitioners they had gone there on account of call by the lease holder. Admittedly the person, who has called, has been assigned lease or lifting the sand.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 254 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 petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Shivaji Pandey, J)

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