

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5772 of 2019**

Arising Out of PS. Case No.-154 Year-2018 Thana- ROSHANGANJ District- Gaya

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1. RAJESH SAO S/o Jatoo Sao Resident of Village- Vishnupur, PS- Banke Bazar, District- Gaya
  2. Sheru Khan @ Sherku Khan S/o Late Issuf Ali Khan Resident of Village- Khaira, PS.- Banke Bazar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Bharat Bhushan(App156)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      01-02-2019                      Heard learned counsel for the parties.

This application for anticipatory bail arises out of Raushanganj P.S. Case No. 154 of 2018 for the offence under Section 379/34 of the Indian Penal Code Section 04/21 MM(DR) Act, 1957, 04/40 of BMMC Rule, 1972 and Sections 06/08 and 15 of Environment Protection Act, 1986.

The First Information Report has been registered on the basis of information, which the Enforcement Officer of District Mining Office, Gaya, received from one Sanjay Prasad, disclosing that persons named in the First Information Report had indulged in illegal extraction of sand.

Learned counsel appearing on behalf of the petitioners appears to be correct in his submission that the



allegation, as made in the First Information Report, is quite vague.

Considering the nature of allegation, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on 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 learned C.J.M., Gaya in Roushanganj P.S. Case No. 154 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

Pawan/-

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