

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8063 of 2019

Arising Out of PS. Case No.-94 Year-2018 Thana- BANDHUWA KURAWA District- Banka

1. HEMNATH YADAV, aged 33 years (Male), Son of Chandra Kishore Yadav Resident of Village - Jhalar, P.S.- Bounsi, District- Banka.
2. Ranjit Tuddu, aged 46 years (Male), Son of Lobin Tuddu Resident of Village - Shadeo Navadih, P.S.- Katoriya, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-02-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bandhuwa Kurawa P.S. Case N0. 94 of 2018, disclosing offences under Sections 379,411/34 of the Indian Penal Code, 440 of the BMMC Rule, 1972 & 201 Act 4/40 and MMDR Act, 1974/21(i), 4/21 (4A).

The petitioner No.1 is the owner and petitioner no.2 is the driver of a tractor, which was seized by the police loaded with 100 Cft of sand, illegally extracted.

Learned counsel for the petitioners while denying involvement of these petitioners in commission of the offence, has submitted that a sum of Rs. 12,342/- has been deposited



with the competent Officer, Banka, which is the value of the sand so seized. It has been argued that there is no chance of the petitioners' fleeing from the course of investigation, enquiry or trial.

Considering the above submission, 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 Additional Chief Judicial Magistrate-III, Banka in Bandhuwa Kurawa P.S. Case No. 94 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)

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