

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15072 of 2019

Arising Out of PS. Case No.-470 Year-2018 Thana- RAJAON District- Banka

1. PANKAJ KUMAR @ PANKAJ PASWAN aged about 27 years Male Son of Late Radhey Paswan resident of village-Singhnan, Police Station-Rajaon, District-Banka
2. Sikandar Paswan @ Sikendra Paswan aged about 27 years Male Son of Ram Paswan, Resident of village-Singhnan, Police Station-Rajaon, District-Banka.
3. Niwas Kumar aged about 22 years male Son of Mahesh Paswan Resident of village-Dariyapur, Police Station-Sajour, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-03-2019 Heard learned counsel for the parties.

Petitioners who are in custody seeks bail in a case registered for the offence punishable under Sections 401, 414, 384, 212/34 of the Indian Penal Code and Rule 4/40 of BMMC Rules, 1972.

Allegation against the petitioners is of illegal sand mining, extortion, selling theft motorcycles and giving shelter to notorious criminals along with FIR named accused.



It has been submitted on behalf of the petitioners that the allegation against the petitioners is false and without any basis. Section 4/40 of the Bihar Minor Mineral and Concession Rules, 1972 is bailable and no offence under Sections 401 and 384 of IPC is made out against the petitioners. It has been further submitted that similarly, situated co-accused person Pappu Paswan has been granted bail by a co-ordinate bench of this Court vide order dated 16.01.2019 in Criminal Miscellaneous No. 513 of 2019. Petitioners have got no criminal antecedent and are in custody since 24.12.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Rajaon P.S. Case No. 470 of 2018** with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the



court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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