

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17330 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- SAHODARA District- West Champaran

1. Braj Kishor Mahto @ Brij Kishore Mahto, Son of Bhagat mahto Resident of Village - Rajpur, P.S.- Sahodara, Distt.- West Champaran.
2. Suresh Mishtri @ Suresh Prasad Kushwaha, Son of Bhukhi Prasad Kushwaha Resident of Village - Narkatiyaganj, P.s.- shikarpur, Distt.- West Champaran.
3. Chhotelal Sah, Son of Gonelal Sah Resident of Village - Belwa , P.s.- Gaunaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379/34 of the IPC and Rules 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972.

The prosecution case is to the effect that on 17.02.2018 at about 4 P.M., while the informant and other officials were on patrolling duty, he found a tractor coming loaded with sand and stones from the protected forest area, but since the miscreants were large in number, hence the informant could not stop the alleged tractor, however, he identified eight miscreants including the petitioners.

It is submitted by learned counsel for the petitioners that no



seizure has not been made from the possession of either of the petitioners and only on the basis of suspicion, the petitioners have been roped in the present case. A statement has been made in paragraph no.3 of the petition that petitioner no.1 is not having any criminal antecedent, whereas petitioner nos. 2 and 3 are also made accused in one other case, in which they are on bail.

Learned APP submits that the petitioners were identified by the informant.

Considering the suspicious nature of accusation, coupled with the fact that the recovery has not been made from the possession of the petitioners, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Bettiah, West Champaran in connection with Sahodara P.S. Case No. 11 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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