

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19201 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- DEEPNAGAR District- Nalanda

1. Hastanand Kumar S/o Satish Kumar, Resident of Village-Pratappur, P.S.-Barahiya, District-Lakhisarai.
2. Manish Singh S/o Satish Kumar, Resident of Village-Pratappur, P.S.-Barahiya, District-Lakhisarai.
3. Pradeep Ram W/o Karu Ram, Resident of Village-Dariyapur, P.S.-Barahiya, District-Lakhisarai.
4. Sandeep Ram, S/o Karu Ram, Resident of Village-Dariyapur, P.S.-Barahiya, District-Lakhisarai.
5. Pankaj Yadav S/o Feku Yadav, Resident of Rampur Dumra, P.S.-Maranchi, District-Patna.
6. Gautam Kumar Yadav S/o Chano Yadav, Resident of Village-Dhiva, Keshopur, P.S.-Jhajha, District-Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 29-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Deepnagar P.S. Case No. 44 of 2019 for the offence under Sections 420, 188 and 379 of the Indian Penal Code, Sections 4/40/3/4 of B.M.M.C.R., 1972 and Section 4(1)(A) of MM(DR) 2003.

As per the case of the prosecution, the police seized six trucks carrying sand, which was illegally mined.

Learned counsel appearing on behalf of the



petitioners has submitted that there are valid challans for carriage of the sand in various trucks and implication of these petitioners by the police is for ulterior reasons. My attention has been drawn to the order of learned Additional Sessions Judge, Nalanda at Biharsharif, dated 22.02.2019, whereby application of these petitioners for grant of anticipatory bail has been rejected, to submit that the Court below was also satisfied that the documents, relating to the trucks, filed by the petitioners were valid and there were valid challans also for the carriage of sand. From the order of the Additional Sessions Judge, it appears that the trucks were found to be carrying sand of quantity more than for what the challans were issued. It has been submitted that the seizure list does not indicate as to what was the method of measurement adopted by the police for determining the quantity of sand loaded in the said trucks.

Taking a line of least resistance, learned counsel appearing on behalf of the petitioners has submitted that the petitioners are ready to ensure payment for the quantity of sand, which, according to the case of the prosecution, was found loaded in the said trucks over and above the quantity in respect of which there were valid challans. It has been stated that the petitioners have no criminal antecedent. Petitioner Nos. 3, 4 and



6 are the Drivers of the various trucks, petitioner No. 1 is owner-cum-driver and petitioner Nos. 2 and 5 are owners of different trucks.

Considering the submissions made on behalf of the petitioners, as noted above, 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., Nalanda at Biharsharif in Deepnagar P.S. Case No. 44 of 2019, 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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