

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26080 of 2019**

Arising Out of PS. Case No.-20 Year-2019 Thana- BARHARA District- Bhojpur

1. GUPTA RAI, Son of Ramaji Rai, Resident of Village- Semera, P.S.- Barhara, District- Arrah.
2. Dharambir Rai, Son of Ramaji Rai, Resident of Village- Semera, P.S.- Barhara, District- Arrah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      05-07-2019                      This is an application for grant of anticipatory bail in connection with Barhara P.S. Case No.20 of 2019, disclosing offences under Sections 379, 411, 414, 120B, 34 of IPC and Section 4(1) of the Mines and Minerals (Development & Regulation Act, 1957) and Bihar Mines and Mineral Concession Rules, 1972.

As per prosecution case, the police apprehended three tractors loaded with sands and one driver succeeded in fleeing away but the others were apprehended by the police and they have not produced any papers to the police and they disclosed that the petitioners are owner of the tractors.

Submission of the learned counsel for the petitioners is that petitioner no.2 is not the owner of the tractor, rather it is the petitioner no.1 who is the owner and as a matter of fact, he



has given the tractors to driver on daily rent of Rs.550/- and as such, he has no knowledge about carrying of sands by the drivers.

Heard learned A.P.P. also.

Having heard both sides, in view of the facts and circumstances, as stated above, so far as, petitioner no.1 is concerned, I am not inclined to grant privilege of anticipatory bail to him, however, the petitioner no.1 may move before the learned court below for regular bail, which will be considered by the learned court below, and if possible, be disposed of on the same day.

So far as, the petitioner no.2 is concerned, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Judicial Magistrate- XII, Ara, Bhojpur, in connection with Barhara P.S. Case No.20 of 2019, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, this application is disposed of.

**(Vinod Kumar Sinha, J)**

Sunil Shukla/-

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