

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80549 of 2018

Arising Out of PS. Case No.-103 Year-2018 Thana- PIRI BAZAR District- Lakhisarai

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1. Sudhanshu Kumar Son of Surendra Yadav Resident of Village- Navabganj, P.S.- Surajgarha, District- Lakhisarai.
 2. Chandan Kumar Son of Yaddu Yadav Resident of Village- Chandanpura, P.S.- Surajgarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr.Chaubey Jawahar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 379/411 IPC and Section 4/40 of the Bihar Minor Minerals Concession Rules, 1972 and Bihar Minerals Prevention of Illegal Mining, Transportation and Storage Rules, 2003 and Section 4/6/8 of the Environment Protection Act 15, 1986 registered in connection with Piri Bazar P.S.Case No. 103/2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the owner and driver respectively of the seized tractor with loaded sand. It is submitted that in any event, even the owner-petitioner no. 1 was not present at the spot and has no concern with the sand in question. The petitioners claim clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



each with two sureties of like amount each to the satisfaction of learned CJM, Lakhisarai, in connection with Piri Bazar P.S. Case No. 103/2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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