

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42942 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. Bhanu Pratap Singh Son of Ashish Singh @ Ashish Kumar Singh @ Ashish Prasad Singh Resident of Village - Garahi Mohanpur, P.S.- Shambhuganj, Dist.- Banka.
2. Ashish Singh @ Ashish Kumar Singh Son of Sahdeo Singh @ Sahdeo Prasad Singh Resident of Village - Garahi Mohanpur, P.S.- Shambhuganj, Dist.- Banka.
3. Mantu Singh @ Prahlad Kumar Singh Son of Bhola Kumar Singh Resident of Village - Rampur, P.S.- Majhgain, Dist.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri
For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 16-11-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Shambhuganj PS case no. 30 of 2019 registered for the offences punishable under Sections 147, 148, 341, 323, 379, 411, 353, 504, 506 IPC and sections 40(iv), (v) and (viii) of Bihar Minor Mineral Concession Rule, 1972 and under Sections 6(4) of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rule, 2003.

The case of the prosecution in brief is that the police party had conducted a raid near the river bank for the



purposes of preventing illegal mining of sand and during the course thereof, the police party had seen three tractors loaded with sand and upon seeing the police, the drivers of the said three tractors had left the tractors and fled away, however the driver of one of the tractors was caught on the spot who disclosed the name of the owner of the other tractors, who are said to be the petitioners herein. It is further alleged that when the aforesaid three tractors loaded with illegal sand were being taken away, the petitioners are said to have arrived there along with unknown persons and they had succeeded in freeing one of the tractors and had taken the same along with them.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are also having clean antecedent. It is further submitted that neither the sand loaded tractor of the petitioners nor their drivers have been caught on the spot, hence the allegation being levelled against them, is false.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of



receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Shambhuganj PS case no. 30 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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