

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55076 of 2018

Arising Out of PS. Case No.-76 Year-2018 Thana- SUGAULI District- East Champaran

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1. Umashankar Prasad, son of Rajaul Prasad @ Rajaval Raut
 2. Shambhu Kumar @ Shambhu, son of Mahesh Patel
- Both residents of Village - Lal Parsa, P.S. - Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-01-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Sugauli P.S. Case No. 76 of 2018 registered for the offences punishable under Section 379 of the Indian Penal Code, 1860 and Section 40 of the Bihar Minor Minerals Concession Rules, 1972.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case as they happen to be the owner of the tractors bearing Reg.No.BR05GA9796 and BR05GB0469 respectively. It is submitted that Section 40 of the Rules, 1972 lays down maximum punishment for the offence as simple imprisonment



for six months and fine of Rs.5,000/- or both. It is submitted that, in similar circumstance, a learned coordinate Bench of this Court has been pleased to grant anticipatory bail to the accused persons vide Annexure-2 and 2/1 to the present application.

Learned APP for the State is present and has opposed the prayer for bail.

In the facts and circumstances stated above considering the nature of the allegations, in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 76 of 2018, subject to the condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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