

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45989 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- PIRI BAZAR District- Lakhisarai

1. Anoj Kumar, Son of Raj Kishore Prasad @ Rajkishor Yadav Resident of Village - Maharna, P.S.- Dharhara, District- Munger
2. Ramanuj Kumar, Son of Kamo Yadav Resident of Village - Basmatiya, P.S.- Kiul, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar
For the Opposite Party/s	:	Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-09-2019 Heard learned counsel for the petitioners and learned
APP for State.

The petitioners in this case are seeking anticipatory bail in connection with Piri Bazar P.S. Case No.22 of 2019 registered for the offences punishable under Sections 379 and 100 of the Indian Penal Code, Section 4/40 of Bihar Mineral Concession Act, 1972, Sections 04/06/08 of the Bihar Minerals (Prevention of Illegal Mining Transportation and Storage Act, 2003 and Section 5 of the Environment Protection Act, 1986.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case who are the owner and driver respectively of the vehicle in question.



Learned counsel submits that there was no independent witness on the spot and the petitioners have no concern with the illegal transportation of sand. It is further stated that the petitioners have no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein the petitioner are said to be the owner and driver respectively of the vehicle in question and allegations have been made at this stage that on physical verification the Challan in question has not been found correct by the Assistant Director, Mines, however, it is the case of the petitioners that there was no independent witness on the spot and they have no concern with the illegal transportation of sand, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Piri Bazar P.S. Case No.22 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

