

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47721 of 2019

Arising Out of PS. Case No.-162 Year-2019 Thana- OBRA District- Aurangabad

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1. DHARMENDRA YADAV S/O Arjun Yadav R/O Village- Pokhraha Par Shakpur, P.S. Aurangabad (M), District- Aurangabad.
 2. Rakesh Kumar S/O Ramnarayan Singh R/O Village- Navner, P.S. Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. The Mines and Mineral Department, Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 31-07-2019 Heard learned counsel for the parties.

Learned counsel for the petitioners is permitted to make correction in the address of the petitioner no.2.

Petitioners are apprehending their arrest in connection with Obra P.S.Case No.162/2019 , registered for offences punishable under Sections 379/411 of the Indian Penal Code and Section 40 BMMCR Rules..

Allegation as per the First Information Report is that on secret information, the mining authority raided the Sone River and found that a tractor without number loaded with sand is coming, on that they intercepted the Tractor but the Driver of the tractor succeeded in fleeing away and case has been lodged



against the Driver and Owner of the Tractor.

Submission of the learned counsel for the petitioners is that the petitioners happen to be owner & the driver of the tractor, they have valid challan for carrying the business of the sand, which he has annexed as Annexure-2 and they have falsely been implicated in this case. Due to fear the driver could not produce the challan.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Daudnagar in connection with Obra P.S. Case No.162/2019 subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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