

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56670 of 2019**

Arising Out of PS. Case No.-11 Year-2019 Thana- HISUWA District- Nawada

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1. SUNIL KUMAR Son of Anandi Singh Resident of Village - Ariyan, P.S.- Hisua, District- Nawada
  2. Lavkush Kumar Son of Shiyadhin Singh Resident of Village - Sithaura, P.S.- Rajgir, District- Nalanda

... .. Petitioner/s

Versus

1. State of Bihar
2. Sri Dharamveer Kumar Son of Ramkishun Prasad, Mines Inspector, Nawada, District- Nawada

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Amresh Kumar Sinha  
For the Opposite Party/s : Mr.Nitya Nand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      11-09-2019                      Heard both sides.

The petitioners apprehend their arrest in Hisua P.S. Case No.11 of 2019 registered under Section 379 of the Indian Penal Code, Section 40 of Bihar Minor Minerals Concession Rules, 1972 and Sections 3 and 8 of Bihar Mines Minerals(Prevention of Illegal Mining, Transportation & Storage) Rules, 2003.

The petitioners are the owner and the driver of the tractor which was loaded with sand and the same was seized.

The learned counsel for the petitioners submits that F.I.R. was lodged on 12.01.2019 but from perusal of the seizure



list, it would appear that Hisua P.S. Case No.243 of 2019 was registered on 11.01.2019 and the seizure list was prepared on the same day. It is further submitted that driver of the tractor was carrying sand after taking sand from the contractor of the ghat.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No.11 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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