

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 69251 of 2019

Arising Out of PS. Case No.-224 Year-2019 Thana- WARISLIGANJ District- Nawada

1. SUDAMA SINGH, age 52 years, Male, Son of Late Chhotu Singh, Resident of Village-Manjaur, P.S-Warisaliganj, District-Nawada.
2. Rahul Kumar, age 25 years, Male, Son of Sudama Singh Resident of Village-Manjaur, P.S-Warisaliganj, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rina Sinha

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in a case registered under Sections 341, 323, 337, 338, 332, 379, 411, 147, 148, 149, 353, 307, 504 of Indian Penal Code and Sections 4/21 of Mines and Minerals (Development & Regulation) Act, 1957, Sections 4/40 of Bihar Minor Mineral Concession Rules 1972, Rules 4, 5 (a), 5 (c), 8 (c) of Bihar Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2003 and Section 15 of Environment Act, 1986.

It is submitted by the learned counsel for the petitioners that the allegations in the first information report in



respect of the two petitioners at best is of fleeing away with two tractors. They are not in any way concerned with the illegally stored sand. No tractor or trailer has been recovered from the petitioners and the allegations of stone pelting and causing injury are not attributed to the petitioners. The petitioners have no criminal antecedent. Petitioner No 1 is father of petitioner No 2 and they have falsely been implicated in this case.

The learned APP for the State has opposed the prayer and submitted that petitioners are members of the Sand Mafia.

Considering the rival submissions, this Court is inclined to allow prayer for anticipatory bail of the petitioner.

Let the petitioner above named, in the event of their arrest or surrender within four weeks from today, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Nawada in Warisaliganj Police Station Case No 224 of 2019 subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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