

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82997 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- BARUN District- Aurangabad

1. SHIV KUMAR Son of Lalu Choudhary Resident of Village - Dhamani, P.S.- Barun, District - Aurangabad.
2. Bigan Choudhary Son of Late Fakira Choudhary Resident of Village - Dhamani, P.S.- Barun, District - Aurangabad.
3. Hira Choudhary Son of Late Sukhari Choudhary Resident of Village - Dhamani, P.S.- Barun, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered under Sections 379 and 411/34 of the Indian Penal Code, Sections 11/56 BMMCR Act and Section 15 of E.P. Act.

Six illegal sand laden tractors and some motorcycles were seized at the bank of river and five named accused persons were apprehended while others managed to escape. Petitioner no.1 namely Shiv Kumar happens to be owner of the one of the seized motorcycle while rest two petitioners were named in the occurrence by the Chaukidar for



their indulgence in illegal mining of the sand.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They have also no concern with the occurrence of excavating sand. They were not apprehended on the spot. They have been named in the occurrence by the Chaukidar due to animosity. Though one of the seized motorcycles is hailing to petitioner no.1 Shiv Kumar, but the said petitioner had gone to the place of occurrence for the purpose of strolling, in the meantime there was stampede and he made good his escape leaving his motorcycle at the place of occurrence. No incriminating article has been recovered from his motorcycle. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Barun P.S. Case No. 273 of



2019, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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