

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28832 of 2020

Arising Out of PS. Case No.-27 Year-2019 Thana- ISHIPUR District- Bhagalpur

1. MANOJ TUDU Son of Saheb Tuddu Resident of Mirdhachak, Nandlalpur, P.S.- Kahalgaon, District - Bhagalpur.
2. Sant Lal Yadav Son of Shyam Lal Yadav Resident of Ward No. 14, Mathurapur, P.S.- Kahalgaon, District - Bhagalpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-12-2020 The present case was heard at length on 04.12.2020 and today it has been listed 'For Orders'.

The petitioners apprehend their arrest in connection with Ishipur Barahat P.S. Case No. 27 of 2019 (G.R. No. 1174 of 2019) for the offence registered under Sections 379 and 411 of the Indian Penal Code, Sections 4/40 of the Bihar Minor Mineral Concession Rules, Sections 4, 6 and 8 of the Bihar Control of Protection Illegal Mining Transportation and Storage Rule, 2003 and Section 13 of the Environment Protection Act, 1986.

The case of the prosecution in brief, according to the informant who is Sub-Inspector of Police, is that during night



patrolling duty, when he had reached along with his police force near Tilaiya Bandh on 24.03.2019 at about 3:00 hours, suddenly he saw that 8-10 Hyva trucks loaded with stone chips were coming from Payalpur Chowk side whereafter, the police force had stopped the said trucks and the documents pertaining to the loaded stone chips were demanded, however, drivers of three Hyva trucks fled away leaving behind their vehicles whereas the documents of other trucks were verified and then the other trucks were released.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and they are having a clean antecedent. Learned counsel for the petitioners has further submitted that the petitioners are drivers of M/s. R.P. Construction, a firm which is registered as class-I Contractor under the Bihar Contractors Registration Rules, 2007 and is engaged in various construction works relating to the Government of Bihar and other government agencies. It is stated that two out of three trucks, whose drivers had fled away belongs to M/s R.P. Construction and they were carrying stone chips for the execution of the maintaining and repair work of Rajawar to Nawada Road in the District of Banka after being purchased from M/s Neha Stone



Works, Mundali. It is submitted by referring to paragraph nos. 10 and 11 of the present petition that valid challans have been issued for transportation of the stone chips in question and in fact the documents were also shown to the police but the trucks in question have been seized illegally. It is also submitted that the owner of the trucks has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 07.08.2019 passed in Criminal Misc. No. 34627 of 2019. Lastly, it is submitted that the Hyva trucks in question have also been released by an order dated 28.06.2019 passed in C.W.J.C. No. 12961 of 2019, by a coordinate Bench of this Court, hence no case survives, as put forth by the prosecution.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that the owner of the trucks in question has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court as also taking into consideration the fact that the truck in question has been released by an order passed by a coordinate Bench of this Court, I deem it fit and proper to admit the



petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four 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 learned Additional Chief Judicial Magistrate-VIII, Bhagalpur in connection with Ishipur Barahat P.S. Case No. 27 of 2019 (G.R. No. 1174 of 2019) subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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