

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70362 of 2019

Arising Out of PS. Case No.-455 Year-2017 Thana- RAJAON District- Banka

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1. DEBU YADAV @ DEBU KUMAR Son of Gajendra Prasad Yadav Resident of Village - Nayadih, P.S.- Rajoun, District - Banka.
 2. Saurav Kumar @ Saurav Yadav Son of Prakash Yadav Resident of Village - Garbhu Kitta, P.S.- Rajoun, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-01-2020 Learned counsel for the petitioner has submitted that during pendency of this application, petitioner no. 1 has been taken into custody as such this application so far petitioner no. 1 is concerned, has become infructuous and he may be permitted to withdraw the same.

Permission is accorded.

This application so far petitioner no. 1 is concerned, is dismissed as withdrawn

So far petitioner no. 2 is concerned, he is apprehending his arrest in connection with Rajoun P.S. Case No. 455 of 2017, disclosing offences under Sections 379 and 411 of the Indian Penal Code.

Prosecution case is that police, while patrolling duty



received information that near Majouni Sand Ghat, sand is being loaded stealthily, on which, the police went there and the persons, who were engaged in lifting the sand, seeing the police, fled away and from there one tractor loaded with seven bags of sand was seized and on inquiry, police came to know that petitioner no. 2 was engaged in lifting the sand.

Submission of learned counsel for the petitioner no. 2 is that he has no criminal antecedent and has falsely been implicated in this case and the truck in question does not belong to the petitioner.

Heard learned A.P.P. also.

Having heard both sides, considering the submission, as above, let petitioner no. 2 in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Rajoun P.S. Case No. 455 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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