

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72498 of 2019

Arising Out of PS. Case No.-241 Year-2019 Thana- BARUN District- Aurangabad

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1. UPENDRA KUMAR @ UPENDER KUMAR Son of Baburam Singh Resident of Village - Barwadih, Bhupatpur, P.S.- Barun, Distt.- Aurangabad.
 2. Randhir Kumar Son of Ranjit Kumar @ Ranjit Kumar Singh Resident of Village - Gangati, Ward No.31, P.S.- Town, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barun P.S. Case No.241 of 2019 registered under Sections 379 and 411/34 of the Indian Penal Code besides Section 4 of 40 of the Bihar Minor Minerals Concession Rule.

The accusation is that the informant along with other police personnel proceeded from the Police Station for checking of the storage of the illegal extracted sand and when reached at village- Mangraha, then they saw that in the right side of Barun Daudnagar Road, sand was being loaded on the two trucks by one loader. On seeing the police party, the driver of the truck, the driver of loader, the motorcycle rider and the labourers started to flee away but, on



chase, five persons were apprehended, who disclosed their name as Vyas Ram, the driver of the truck bearing Registration No.BR24GB-2651, Sunil Yadav, the Khalasi of the aforesaid truck, Manoj Kumar Yadav (labourer), Suryadeo Yadav (labourer) and Babulal Yadav (labourer). The trucks bearing Registration Nos.BR24GB-2651 and UP67AT-0109 and the loader bearing Engine No.244550DT and the motorcycles bearing Registration No.BR24V-0877 and JH02M-2680 were seized from there.

Learned counsel for the petitioners submits that the petitioners are the owner and the driver of the loader and the loader was sent on the spot on hire by the truck owner. Both the petitioners have no concern about extracting the sand illegally.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No.241 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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