

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26826 of 2020

Arising Out of PS. Case No.-562 Year-2019 Thana- BAHADURPUR District- Darbhanga

1. Md Hasnain, S/O Md Hannan @ Abdul Hannan, Residence of Vill - Ballopur, P.S. - Bahadurpur, District - Darbhanga.
2. Md Haider, S/O Md Qurban, Residence of Vill - Ballopur, P.S. - Bahadurpur, District - Darbhanga.
3. Md Allauddin, S/O Late Abdul Rahman, Residence of Vill - Ballopur, P.S. - Bahadurpur, District - Darbhanga.
4. Md Salauddin, S/O Late Abdul Rahman, Residence of Vill - Ballopur, P.S. - Bahadurpur, District - Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-01-2021 Heard learned counsel for the petitioners and Mr. Amit Kumar Rakesh, learned APP for the State.

The petitioner in the present case are seeking pre-arrest bail in connection with Bahadurpur P.S. Case No. 562 of 2019 registered for the offences punishable under Sections 283/379 of the Indian Penal Code, Section 4/40 of Bihar Mining Act and Section 188 of Motor Vehicle Act.

Learned counsel for the petitioners submits that it is alleged by the informant who happens to be the Mining Inspector that soil was being removed from the field and were



being transported through the tractors without any valid permit.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that their tractors were hired by co-accused Kamran Ahmad Khan who is the owner of JCB machine and was involved in extracting soil. No soil was found on the tractors of the petitioners.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the allegation against the petitioners is that they had provided their tractors on hire basis to the JCB owner who was engaged in a contract work and extracting soil without permission from the competent authority, the submission being that these petitioners were not found involved in extracting the soil for their own use or business and the only fact which has come against them is that their tractors were being involved in transportation of the soil which was being extracted by the JCB owner namely Kamran Ahmad Khan (co-accused) who is not before this Court and that in the two cases stated in paragraph '3', the petitioners are on bail in one of the cases and it is informed to this Court by the learned counsel for the petitioners that in another case their



prayer for anticipatory bail is pending before this Court, in the nature of the materials placed before this Court, the seizure list is not showing any loaded soil on the tractors, let the petitioners above-named, in the event of their arrest or surrender within a period of four weeks from today in connection with Bahadurpur P.S. Case No. 562 of 2019 shall be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Darbhanga, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify



the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

