

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4009 of 2021

Arising Out of PS. Case No.-14 Year-2019 Thana- DHURAIYA District- Banka

1. Pankaj Kumar Nirala Son of Sant Lal Prasad R/o - Shyam Bazar, P.S.- Bounsi, District - Banka.
2. Nilesh Kumar Nirala Son of Sant Lal Prasad R/o - Ratanpur , P.S.- Poraiya Hat, District - Godda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 379, 411 of the Indian Penal Code and Sections-4/40 of B.M.M.C. Rule-1972 as well as Sections-3, 6(4), 8(4) P.I.M.T.S. 2003.

Allegedly, four tractors loaded with sand were seized by police. Drivers of the said vehicles fled away. No challan of said sand was produced and as such, Rs. 14,142/- is said to have



caused loss to the Mining Department.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The tractor of the petitioner No. 1 was parked by the side of place of occurrence by driver. The petitioner No. 2 is driver of petitioner No. 1. The case has been instituted merely on the basis of suspicion. The tractor of petitioner No. 1 was not involved in mining work.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 14 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall



furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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