

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25336 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- NASRIGANJ District- Rohtas

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1. RAMESHWAR YADAV S/o- Dilo Yadav Resident of Village Telodih, P.S. - Barhi, District - Hazaribag(Jharkhand).
 2. VIJAY KUMAR YADAV S/O- Mahadev Yadav Resident of Village Belhara, P.S. - Barhi, District - Hazaribag(Jharkhand).

... .. Petitioner/s

Versus

The state of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-05-2022 Heard Mr. Samrendra Kumar Jha, learned Advocate
for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Nasriganj P.S. Case No. 9 of 2020 dated 12.01.2020 instituted for the offences under Sections 379, 420 and 34 of the Indian Penal Code and Sections 4/14 of the Bihar Illegal Mining Act, 1972.

The petitioners are sought to be prosecuted in this case on the basis of material inputs to the informant that they are the drivers of the two excavator machines, which was found in abandoned condition near the banks of river Sone. The proprietors of the aforesaid two machines have been granted



anticipatory bail by a Bench of this Court vide order dated 28.01.2022 passed in Cr. Misc. No. 23697 of 2021.

Mr. Jha has submitted that assuming that the charge of the petitioners being the drivers of the aforesaid excavator machines is correct, then also none of the offences alleged against them can be said to have been made out, in the absence of any definite evidence that the petitioners knew that what they were doing was illegal. They were in the employment of their employers who had convinced them that there was a valid permit for excavating sand.

Be that as it may, regard being had to the fact that the owners of the excavator machines have been granted anticipatory bail and that the petitioners have not been made accused in any case of similar nature in the past or for that matter any criminal case, they are also directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Bikramganj, Rohtas in connection with Nasriganj P.S. Case No. 9 of 2020,



subject to the conditions as laid down under Section 438(2)
Cr.P.C.

(Ashutosh Kumar, J)

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