

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34347 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

1. Kanhai Sahani Alias Kanhaiya Son Of Achhelal Sahani Resident Of Village - Vijay Chhapra, P.S.- Ahiyapur, Dist.- Muzaffarpur.
2. Uma Shankar Sahani Son Of Jagdish Sahani Resident Of Village - Vijay Chhapra, P.S.- Ahiyapur, Dist.- Muzaffarpur.
3. Rajeev Sahani Son Of Vinod Sahani Resident Of Village - Vijay Chhapra, P.S.- Ahiyapur, Dist.- Muzaffarpur.
4. Ashok Sahani Son Of Rambabu Sahani Resident Of Village - Vijay Chhapra, P.S.- Ahiyapur, Dist.- Muzaffarpur.
5. Pappu Kumar Son Of Dukha Sahani Owner Of Tractor Chasis No. W28428132555, Engine No.391355152f05668, Resident Of Village - Vijay Chhapra, P.S.- Ahiyapur, Dist.- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

The petitioners are apprehending their arrest in a case
registered under Sections 379/411 of the Indian Penal Code,
Sections 4/21 of M.M.D.R. Act, 1957 and sections 11/56 of
Bihar Mines (Illegal Mining, Transport and Storage Rules,



2019).

The prosecution allegation, in short, is that the accused persons were involved in illegal mining and two tractors were seized.

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 falsely been implicated in the present case. As per the allegation, illegal mining of sand was made by the side of the river. One of the tractors of petitioner no. 4 was also found parked by the side of river. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case



No. 71/2021, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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