

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66951 of 2021

Arising Out of PS. Case No.-159 Year-2021 Thana- BARUN District- Aurangabad

1. UMESH SAHANI @ UMESH KUMAR SAHANI Son of Krishna Sahani Resident of Village - Agrwa Near Bengali Lodge, P.S.- Motihari, Distt.- East Champaran, At Present Resident of Village - Motihari, P.S.- Motihari, Distt.- East Champaran.
2. Lal Babu Mistry @ Lal Babu Sahani Son of Roop Narain Sahani Resident of Village - Majuraha, P.S.- Piprakothi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 24.06.2021, at about 10:00 P.M. the informant along with other police personnel proceeded for conducting raid against illegal mining, it is next alleged that on 25.06.2021 at about 05:45 A.M. they saw a twelve-wheeler truck coming from Aurangabad to Dehri side which was stopped and seized as it



was loaded with sand.

Learned counsel for the petitioners submits that petitioners are owner and driver of the truck and they have been falsely implicated in the present case without holding a proper inquiry. The learned counsel next submits that sand was loaded on the truck as it was procured from the lease of Gharhkedali stockyard, JSMDCLtd, (Ghark) on 23.06.2021 and thereafter the truck proceeded for Varanasi where the sand was to be unloaded, it is next submitted that a challan (Annexure-2 to the anticipatory bail application) was also issued with regard to the truck in question by the valid lessee of Mines and Mineral Department, Government of Jharkhand and the challan was valid till 09:08 A.M. dated 24.06.2021 but since there was a break down of the truck near Dehri as such the driver of the vehicle had gone to Varanasi to get the parts of the truck and while he was coming back he saw that the truck had already been seized, it is next submitted that despite the challan been shown to the police, the police did not release the truck. It is next submitted that petitioner no. 1 was not even present at the place of occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Barun P.S. Case No. 159 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

