

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17368 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- GHOSI District- Jehanabad

1. CHANDANI KUMARI W/o Arvind Kumar R/o Village- Dumri, P.S.- Hulasganj, Distt- Jehanabad.
2. Chandan Kumar S/o Vijay Sharma R/o Village-Dhongra, P.S.- Ghoshi, Distt- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arghesh Kumar
For the State	:	Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ghoshi Police Station Case No. 440 of 2022, dated 21.07.2022, disclosing offences under Sections 379/411 of the Indian Penal Code.

The prosecution case, as per the First Information Report is that, the police seized two tractors, laden with sand extracted through illegal mining, for which no challan was produced by the petitioners. The petitioner no. 1 is the owner of the tractor bearing registration no. BR-25G/7804 and petitioner no. 2 is the driver of the said tractor.



Learned counsel for the petitioners submits that the petitioners were having the valid challan for transportation of the sand laden on the trailer of the tractor (Annexure 2). He further submits that two tractors were seized and the owners and drivers of both the tractors were made accused. The owner and driver of the another tractor, namely, Sanjay Sharma and Niranjana Kumar, moved before this Court for grant of anticipatory bail and a co-ordinate Bench of this Court vide order dated 19.05.2023, passed in Criminal Miscellaneous No. 16154 of 2023, granted them anticipatory bail.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioners have annexed the copy of challan, at Annexure 2 to this application and similarly situated co-accused persons have been grant anticipatory bail by a co-ordinate Bench of this Court. I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before this Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Ghoshi P.S Case No. 440 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Mayank/Prabhakar Anand

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