

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40635 of 2023**

Arising Out of PS. Case No.-70 Year-2023 Thana- JOGBANI District- Araria

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1. YOGENDRA KAMAT @ JOGINDRA KAMAT SON OF PITAMWAR KAMAT MOHALLA DAKSHIN MAHESHWARI WARD NO 11 PS JOGBANI DISTRICT ARARIA
  2. SHANKAR MANDAL SON OF ANUP LAL MANDAL MOHALLA DAKSHIN MAHESHWARI WARD NO 11 PS JOGBANI DISTRICT ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar  
For the Opposite Party/s : Mr. Shyameshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      03-08-2023      1.      Heard learned counsel for the petitioners and learned A.P.P. for the State.
2.      The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 411 of the Indian Penal Code and Section 27 of the M.M.D.R. Act, 1957 and Rules 56(1), 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Rules, 2019 (Amendment Rules, 2021).
3.      Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of one JCB Machine along with



six tractors as detailed in the FIR from the bank of Parmar River.

4. Learned counsel for the petitioners submits that the allegation basically is of illegal sand mine, it is next submitted that petitioners were not present at the place of occurrence and thus were completely unaware that the driver of the tractor would misuse the vehicle in the manner as alleged, it is also submitted that no prudent person would use his own vehicle for committing a crime and thus would create an evidence against himself and hence would get implicated easily, it is next submitted that since the drivers have committed an offence, as such, the liability definitely rests on the petitioners being owner of the tractors.
5. Learned counsel for the petitioners next submits that since the tractors have been seized, as such, the same would be released only after the offence is compounded.
6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.
7. 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



trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jogbani P.S. Case No. 70 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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