

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47260 of 2022

Arising Out of PS. Case No.-552 Year-2018 Thana- DEHRI TOWN District- Rohtas

1. RAMJEE PRASAD @ RAMJEE SAH S/o Baijnath Sah Resident of Village- Pakrihar Kala (Kauri Ram), P.S.- Mohania, District- Kaimur (Bhabua)
2. SANSAD HUSSAIN @ SAMSAD HUSSAIN S/o Abdul Jabbar Resident of Village- Alampur, P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Dehri Town P.S. Case No.552 of 2018 instituted under Sections 40(1) of Bihar Minor Minerals Concession Rules, 1972.

As per the prosecution story, the Police Sub-Inspector of Dehri Town alleged that he received information that some tractors are moving without valid paper carrying sand whereafter it was raided on G.T. Road. When the tractor drivers were intercepted, all of them fled away leaving their tractors. Accordingly, the tractors were seized.

Learned counsel for the petitioners submit that they



are owner and driver respectively and it was not an illegal transportation of sand rather it was a case of overloading for which he has already deposited the fine amount of Rs.21,230/- which forms Annexure-2 to the petition.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the allegation as also that for the overloading, the fine has been deposited as attached with petition as Annexure-2, both the petitioners have clean antecedent, this Court is inclined to grant them relief.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Dehri Town P.S. Case No.552 of 2018 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas at Sasaram, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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