

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47574 of 2023

Arising Out of PS. Case No.-324 Year-2022 Thana- BARAHAT District- Banka

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1. Ashok Kumar Son Of Giri Prasad Yadav Resident Of Village- Morama, Ps- Rajoun, Distt- Banka
 2. Bajo Yadav @ Brajesh Yadav Son Of Dashrath Yadav @ Dashrath Prasad Resident Of Village- Sadpur, Ps- Amarpur, Distt- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Barahat P.S. Case No.324 of 2022 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code, Sections 11/41/56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019, Sections 4(1)/21 of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioners have got no criminal antecedent.

3. As per the prosecution story, the petitioners being owner and driver respectively of the tractor in question were found carrying loaded sand on the tractor without any challan.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that the petitioners have otherwise no criminal antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the allegation that these petitioners being owner and driver respectively of the tractor in question were found carrying loaded sand on the tractor without any challan, the allegation being that of theft of a public property in form of sand which is a kind of national loss to the public at large, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. Their prayer is refused.

7. In case the petitioners surrender and pray for regular bail in the learned court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court.

8. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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