

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50247 of 2023

Arising Out of PS. Case No.-422 Year-2022 Thana- BARUN District- Aurangabad

1. SHASHI KUMAR @ GABBAR KUMAR @ GABBAR SON OF RAVIND SINGH @ RAVINDRA SINGH RESIDENT OF VILLAGE- KARMA, PS- NARARI KALA KHURD, DIST- AURANGABAD
2. ANUP KUMAR SON OF INDRAJEET SINGH RESIDENT OF VILLAGE- SAHASPUR, PS- BARUN, DIST- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 2 16-08-2023 1. Heard learned counsel for the petitioners as well as the learned APP for the State.
2. The petitioners apprehend their arrest in connection with Barun P.S. Case No. 422 of 2022, registered for the offences punishable under Sections 379/411 of the Indian Penal Code and read with M.M.D.R. Act, 1957, Rule 4(1-A)21 Bihar Minerals (concession Prevention of Illegal Mining Transportation and storage) Rule 2019 of 11, 18, 43 and 2021 Rule 56.
3. As per allegation, a search operation was carried out at Majhauri on Nabinagar Barun Road and one tractor was found carrying sand. On search, 500 CFT of illegally



stored sand was found in it. The driver of that tractor fled away from the place of occurrence.

4. Learned counsel for the petitioners has submitted that they have falsely been implicated in this case merely on the basis of suspicion, they are neither the owner nor the driver of the seized tractor. The illegally stored sand was not belonging to them nor they are the custodian. He has further submitted that petitioner no. 2 is a person of clean antecedent where as petitioner no. 1 is also accused in a case under Section 379 of the I.P.C.
5. Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, 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, Aurangabad in connection with Barun P.S. Case No. 422 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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