

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53196 of 2023

Arising Out of PS. Case No.-477 Year-2022 Thana- ROHTAS District- Rohtas

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1. AWADHESH SINGH S/O LATE SUNDER SINGH R/O VILLAGE- KALI BIGHA, P.S- AMJHOR, DISTT.- ROHTAS.
 2. BHOLA YADAV S/O INDRA DEO YADAV R/O VILLAGE- RERIYA, P.S- TILAUTHU, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. As prayed for, learned counsel for the petitioners is permitted to make correction in para-3 of the bail petition in course of the day.

3. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 379, 411, 279 of the IPC and sections 56(i), 56(ii) of Bihar Minerals (Concession and Prevention of Illegal Mining, Transport & Storage) Rules, 2019 and section 15 of Environment Protection Act, 1986.

4. As per the prosecution case, the police party saw a tractor dropping sand from the hydraulic platform on the South



paved road from the Middle School. When the police reached there, the driver of the tractor fled away and the particles of sand was found in the trailer was seized.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. Petitioner no.1 is the owner and petitioner no.2 is the driver of the seized tractor and they are alleged to have fled away from the spot. It is submitted that the allegation against the petitioner is false and fabricated. No incriminating article has been recovered from the conscious physical possession of the petitioners. Petitioner no.1 has two criminal antecedent and petitioner no.2 has no antecedent.

6. Learned APP for the State opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case, since no recovery is said to have been made from the possession of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like



amount each to the satisfaction of the learned court below
where the case is pending/Successor Court in connection with
Rohtas (Amjhor) P.S. Case No.477 of 2022, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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