

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57537 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- KATIHAR MUFFASIL District- Katihar

1. Md. Iftekhar Son Of Md. Yasin Resident Of Village - Makhdumpur Sirnia, P.S. - Muffasil, District - Katihar
2. Md. Mujibur Rahman Son Of Bohiuddin Rahman Resident Of Village - Choti Chilmara Sirnia, P.S. - Muffasil, District - Katihar
3. Dilip Kumar Gupta Son Of Ramsakal Gupta Resident Of Village - Hussainabad Choudhary Mohalla, P.S. - Katihar, District - Katihar
4. Md. Afsar Alam Son Of Mukhtar Alam Resident Of Village - Kadwa, Rampara, P.S. - Katihar, District - Katihar
5. Prince Kumar Son Of Late Raj Kumar Resident Of Mohalla - Moffarganj, Gareri Tola, P.S. - Katihar, District- Katihar
6. Dasrath Thakur Son Of Harischandra Thakur Resident Of Jaffarganj, P.S. - Muffasil, District - Katihar
7. Pappu Orron @ Pappu Uraon Son Of Ram Dhani Orron Resident Of Village - Bhakripur, Kuraita, P.S. - Mansahi, District - Katihar

... .. 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.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 20-09-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. Petitioners apprehend their arrest in connection with Muffasil P.S. Case No.98 of 2023 dated 10.05.2023 registered for the offence/s punishable under Section/s 379 and 411 of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioners are that the petitioners have fair and clean antecedent and the petitioners were dragged in this case mainly on account of being owners and drivers of the four seized tractors but



the seizure memos concerned to the petitioners' tractors clearly show that the said tractors were not loaded with sand as alleged, because neither the quantity/weight of the sand nor its valuation was mentioned in the seizure memos which are attached to the FIR and moreover the alleged offences of the IPC under which the FIR has been registered are not made out in view of the nature of allegation and the alleged act of the petitioners only comes in the purview of the offence/s punishable under the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly petitioners' fair and clean antecedent, in my opinion petitioners deserve to the privilege of anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Muffasil P.S. Case No.98 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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