

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66268 of 2022

Arising Out of PS. Case No.-395 Year-2022 Thana- BANKA District- Banka

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1. NAND KISHORE YADAV SON OF LATE BALESHWAR YADAV
OWNER OF THE TRACTOR R/O KAMALDIH, P.S.-BANKA,
DISTRICT- BANKA
 2. GOPAL PRASAD YADAV SON OF SATYA NARAIN YADAV, DRIVER
OF THE TRACTOR R/O KAMALDIH, P.S.-BANKA, DISTRICT-
BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 379, 411 and 188 of the IPC and section 4(1) of MMRD Act 1957 and sections 11, 41, 56(2) of BMCP1MS Rule 2021.

Allegedly, two tractors loaded with sand was seized by the police. The driver is said to have fled away leaving the tractors near the bridge.

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. No such occurrence, in the manner as alleged, has ever



taken place. Name of petitioners have transpired in this case as they are the owner and driver of the tractor bearing Registration No.-BR51B 4901. It is submitted that owner of the tractor has already deposited the loss amount to Mining Department, which fact has also come in the impugned order and the supplementary affidavit. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the loss amount has been deposited, 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 Banka P.S. Case No.395 of 2022, GR No-1825/22, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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