

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22869 of 2024

Arising Out of PS. Case No.-796 Year-2023 Thana- BUDDHACOLONY District- Patna

1. Sanjay Prasad, Son of Late Ram Baran Prasad, Resident of Village- Hilsa Puna, P.S.- Hilsa, District- Nalanda. At present Resident of Mohalla/ Village- Sarista Bagh, East Tola, P.S- Gardanibagh, District-Patna
2. Anuj Kumar, Son of Sanjay Prasad, Resident of Village- Hilsa Puna, P.S.- Hilsa, District- Nalanda. At present Resident of Mohalla/ Village- Sarista Bagh, East Tola, P.S- Gardanibagh, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Budha Colony P.S. Case No. 796 of 2023 , registered for the offences punishable under Sections 379, 411 and 34 of the Indian Penal Code.

3. As per the prosecution case, two tractors loaded with illegal sand were seized. Petitioner no. 1 is the owner of both the seized tractors and petitioner no. 2 is the driver of one of the seized tractors.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. He further submits that the sand was loaded on the truck and carried from river through challan dated 17.12.2023 issued by the Mines Department and the sand was downloaded on tractor from the truck at *Bansghat* and the same was again loaded on two tractors from the truck to the construction site as there was no approach road for the heavy vehicles. He further submits that the FIR has not been instituted against the petitioner under the Mines Act and there is no claim that this sand is stolen sand. Petitioners have no criminal antecedent and are ready to cooperate in the investigation and trial.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Budha Colony P.S. Case No. 796 of 2023, subject to the



conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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