

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67620 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- BELHAR District- Banka

1. DIWAKAR YADAV son of Vino Yadav R/o- Kumarsar, Ps- Shambhuganj Dist- Banka
2. Ajay Kumar Yadav son of Naresh Yadav R/o- Jaripur Ps- Belhar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv.
For the Informant	:	Mr. Naresh Dikshit, Adv.
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 01-04-2024 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Belhar P.S. Case No. 167 of 2022 dated 05.05.2022 registered for the offence/s punishable u/ss 379 and 411 of the Indian Penal Code, 4(1) MMDR Act and section 56(2) of the Bihar Minerals Concession and Prevention of Illegal Transportation and Storage Rules, 2019.

3. As per the prosecution case, a tractor loaded with sand illegally, was seized by the police personnel.

4. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 1 is the owner and the the petitioner no. 2 is the driver of the said vehicle. The petitioner no. 1 has two other criminal cases and the petitioner no. 2 has no criminal case as stated in para 3 of the supplementary affidavit filed on behalf of the petitioners.

5. Learned counsel for the informant and learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Banka in connection with Belhar P.S. Case No. 167 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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