

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56351 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- BARHARA District- Bhojpur

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1. Deepak Kumar @ Deepak Kumar Singh, S/o Ashok Singh, R/o Village-Futa, P.S.- Barhara, District- Bhojpur
 2. Kanhaiya Kumar, S/o Guput Yadav, R/o village - Aralia, P.S. - Tiyyar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this case, the petitioners are apprehending their arrest in connection with Barhara P.S. Case No. 196 of 2024, registered for the offences under Sections 379 and 411 of the Indian Penal Code.

3. As per prosecution case, while conducting raid, the police seized a tractor overloaded with 150 CFT illegal sand. However, the driver fled away from the spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioner no.1 is the owner and the petitioner no.2 is



the driver of the seized tractor. The petitioners are not named in the FIR. They have not been arrested from the spot. During investigation, it has come that the petitioner no.1 is the owner and the petitioner no.2 is the driver of the seized tractor. The learned counsel further submits that the petitioners are not involved in illegal transportation of sand. However, the petitioner no.1, who is owner of the tractor, is ready to deposit the fine, if any, in the Mines Department for illegally transporting the sand as alleged. However, the FIR has not been registered under any of the provisions of MMDR Act, 1957 as well as Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021. The learned counsel further submits that the petitioners are having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Barhara P.S. Case No. 196 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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