

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64976 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- PIRO District- Bhojpur

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1. Renu Yadav W/O Satyendra Yadav Resident of village- Siuri Premraza, Ballia, P.S- Ibrahimpatti, District- Ballia, U.P
 2. Ram Bihari Tiwari @ Rambihari Tiwari S/O Late Virindavan Tiwari Resident of Near Jagjivan College, Lala Colony, Ward No. 21, P.S- Dehri, Distt.- Rohtas, Bihar.
 3. Vijay Kumar Choudhary @ Vijay Kumar Chaudhary S/O Late Krishna Nand Chaudhary R/O Village- Kaccuwa Basarikapur, Ballia, P.S- Dubahar, Distt.- Ballia, U.P.
 4. Vinay Kumar Yadav @ Vijay Kumar Yadav S/O Param Hansh Yadav Resident of village- Mithwar, Ballia, P.S- Phephna, District- Ballia, U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Piro P.S. Case No. 120 of 2024 for the offence registered under sections 379, 411 and 34 of the IPC lodged on 23.03.2024 by the informant Ashok Kumar.

3. As per the prosecution story, the informant alleged that on secret information that three overloaded trucks with illegal red sand are moving, it was intercepted and as no paper was produced, seized. The truck includes Up-67AT-1223 (the petitioner no. 2, Ram Bihari Tiwari) as well as UP-60AT-3323 (petitioner no. 1, Renu Yadav) and also the third truck that was intercepted,



seized is/are BR-44G-6204.

4. Learned Counsel for the petitioners submit that the owners were not on the spot, the drivers were there, they being the registered owners, implicated and do not have criminal antecedent and further without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submit that the petitioner nos. 1 and 2 namely Renu Yadav and Ram Bihari Tiwari are ready to pay Rs. 15,000 each (Rs. 30,000/- total) to the Chief Minister's Relief Fund.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the drivers which the learned counsel for the petitioners is attributing are petitioner nos. 3 and 4 namely Vijay Kumar Choudhary and Vinay Kumar Yadav.

6. Allegation is there, the investigation is going on against the petitioners, will be facing the music and none of the petitioners have criminal antecedent and further the two petitioners (petitioner nos. 1 and 2) have undertaken to make payment of the sand to the tune of Rs. 15,000/- each to the Chief Minister's Relief Fund and have further undertaken to diligently appear in trial, this Court is inclined to grant her the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order,



shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhojpur in connection with Piro P.S. Case No. 120 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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