

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74098 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- CHARPOKHARI District- Bhojpur

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1. Nilesh Kumar Yadav S/O Birendra Singh R/O Village-Chela P.S.- Sandesh, Distt.- Bhojpur.
 2. Abhay Kumar S/O Jugat Narayan Singh R/O Village-Chela P.S.- Sandesh, Distt.- Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar
2. The Additional Director Mines Department Bhojpur at Ara

... .. Opposite Parties

Appearance :

For the Petitioners	:	Ms. Priya, Advocate
For the State	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Charpokhari PS. Case No.-119 of 2024, registered for the offences punishable under Sections 411, 414, 379 of the Indian Penal Code and Section 194 of the Motor Vehicles Act.

3. As per allegation, the vehicle of the petitioner was being driven by the Petitioner no.2 and that vehicle was found overloaded with sand by the patrolling party.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that his tractor was being used on hire and he has nothing to do with the alleged minerals loaded in the tractor. He further submits that the case was not registered under Bihar Minor Mineral Concession Rules, 1972.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Charpokhari PS. Case No.-119 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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