

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40142 of 2015

Arising Out of PS.Case No. -107 Year- 2015 Thana -JAGDISHPUR District- BHAGALPUR

- =====
1. Afroz @ Minu Son of Late Md. Nehal Resident of Village - Paschim Tola Puraini, P.S. Jagdishpur, District - Bhagalpur
 2. Prakash Mandal Son of Late Singeshwar Mandal Resident of Village - Angari, P.S. Jagdishpur, District - Bhagalpur
 3. Balmiki Mandal Son of Anadi Mandal Resident of Fatehpur, P.S. Jagdishpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s Mr. Shiwesh Chandra Mishra
For the Opposite Party/s : Mr. S.M. Rahman(APP)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-09-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 379/420 of the Indian Penal Code and Sections 6, 8 of the Illegal Mining Transportation and Storage Act, 2009, this Court, in keeping with the admitted position that none has seen the petitioners either extracting the sand, in question, or in conscious possession of the sand, it would be inclined to grant anticipatory bail to the petitioners keeping in view that they have also got no criminal antecedent.

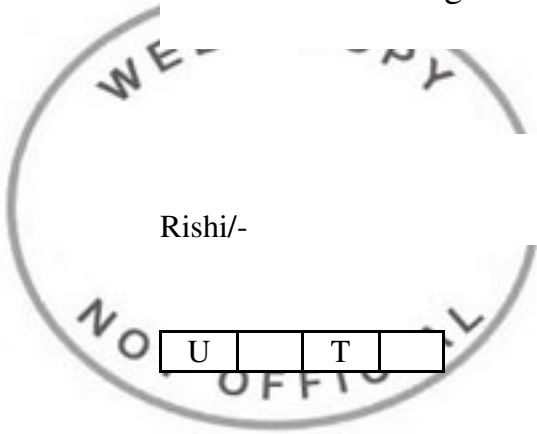
That being so, if the petitioners, namely, Afroz alias Minu, Prakash Mandal and Balmiki Mandal surrender before the



court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 107 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two

consecutive dates, their bail will be liable to be cancelled on this ground alone.



(Mihir Kumar Jha, J)