

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42026 of 2015

Arising Out of PS.Case No. -114 Year- 2015 Thana -BAUSI District- PURNIA

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1. Alamgir Hussain @ Alamgir Nadim Son of Mohiuddin R/o Dangarghat, P.S. Baisi, District Purnea
 2. Anatull @ Anutullah son of Makbul Hussain R/o Dangarghat, P.S. Baisi, District Purnea
 3. Abdul Sammad Son of Faijuddin R/o Dangarghat, P.S. Baisi, District Purnea
 4. Parwej Alam @ Parwej Hassan Son of Md Hassan R/o Dangarghat, P.S. Baisi, District Purnea
 5. Jakir Hussain Son of Gyasuddin R/o Sripur Mallah Toli, P.S. Baisi, District Purnea
 6. Abul Kalam @ Abu Kalam Son of Jakir Hussain R/o Dangarghat, P.S. Baisi, District Purnea
 7. Md Safa @ Saffaullah Son of Md Makbul R/o Dangarghat, P.S. Baisi, District Purnea
 8. Md Majhrul @ Majaharul Haque Son of Riyajuddin R/o Dangarghat, P.S. Baisi, District Purnea
 9. Rejaullah @ Md Rejaullah Son of Nurul Haji R/o Village Dangraha Bangroul, P.s. Baisi, District Purnea
 10. Suman Kumar Gupta @ Suman Kumar Son of Hari Prasad Rai R/o Village + Post - Amour, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-10-2015

It is submitted by learned counsel for the petitioners that except petitioner No. 2 Anatull @ Anatullah and petitioner No. 4 Parwej Alam @ Parwej Hussain, other petitioners have been arrested. Hence, their application has become infructuous.

Petitioner Nos. 2 and 4 are apprehending

their arrest in a case registered for the offences punishable under Section 413 of the Indian Penal Code, Section 49(3) of Bihar Minor Mineral Concession Rules, 1972 and Section 8 of Bihar Minor Minerals(Development and Regulation) Act, 1957.

The prosecution case is that the Mines Inspector, on information that miscreants have stored illegal stone chips at NH-31 for business purposes, conducted raid when it was found that illegal mines stone chips were stored without any valid license. The name of 14 persons were incorporated in the F.I.R who were suspected to be involved in such business.

It is submitted by learned counsel for the petitioners that seizure was not made from the possession of the petitioners. It appears from the F.I.R that storage was made on the side of the road.

A statement has been made in para 3 of the petition that petitioner Nos. 2 and 4 have no criminal antecedent.

Considering the aforesaid facts, let the petitioner Nos. 2 and 4 namely Anatull @ Anatullah and Parwej Alam @ Parwej Hassan, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Purnea in connection with Baisi P.S. Case No. 114
of 2015, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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