

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27266 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -HULASGANJ District- JEHANABAD

1. Kaushlendra Kumar Son of Sri Gaya Sharma resident of Kandaul, P.S.
Hulasganj, District - Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Dilip Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 22-07-2015 Heard learned counsels for the petitioner and
the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379,411 and 120B of the Indian Penal Code, sections 4(1),40 of Bihar Minor Mineral Concession Rules, 1972 and sections 1,2 and 3 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

Two tractors were seized while carrying the sand extracted through illegal mining.

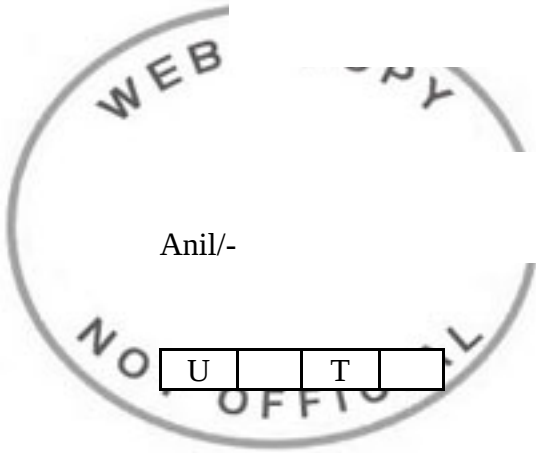
It is submitted by the learned counsel for the petitioner that the petitioner is owner of one of the tractors and his tractor was leased to the contractor and,

admittedly, there is nothing on record to suggest that the petitioner was on the tractor while the sand in question was being carried but in order to save the contractor the petitioner has been roped in the present case. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Jehanabad in connection with Hulasganj P.S. Case No. 37 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted on filing of an affidavit by the petitioner before the learned court below that he will regularly cooperate in the investigation. The said affidavit will be transmitted by the learned court below to the concerned I.O. Non cooperation in investigation by the petitioner will give liberty to prosecution to file application for cancellation

of bail bond by learned court below.



(Dinesh Kumar Singh, J)