

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49480 of 2014

Arising Out of PS.Case No. -56 Year- 2014 Thana -MAINATAND District- WEST CHAMPARAN (BETTIAH)

1. Bimal Yadav, S/o - Bhannu Yadav, Resident of Village - Babhnauli, P.S. - Mainatar, Distt. - West Champaran.
2. Nathuni Sah, S/o Late Tapeswar Sah, Resident of Village - Narkatia, P.S. - Purshottampur, Distt. - West Champaran Petitioners
Versus
The State of Bihar Opposite Party

With

Criminal Miscellaneous No.50954 of 2014

Arising Out of PS.Case No. -56 Year- 2014 Thana -MAINATAND District- WEST CHAMPARAN (BETTIAH)

1. Kamlesh Prasad, Son of Late Gaya Raut, Resident of Village - Babhnauli, P.S.- Mainatar, District - West Champaran
2. Nandlal Sah, Son of Vishwanath Sah, Resident of Village - Shekhwa Basantpur, P.S.- Mainatar, District - West Champaran. Petitioners
Versus
The State of Bihar Opposite Party

Appearance :
(In Cr.Misc. No.49480 of 2014)
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nagendra Pd., APP
(In Cr.Misc. No.50954 of 2014)
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Kalayan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 19-08-2015 In these two applications the respective petitioners seek anticipatory bail in connection with Mainatar P.S. Case No.

56 of 2014 registered under Section 414 of the Indian Penal Code and under Section 40 of the Bihar Minor Mineral and Concession Rule, 1972.

At the outset, it is submitted that petitioner No. 2 Nandlal Sah of Cr. Misc. No. 50954 of 2014 has already been taken into custody and, as such, his application on his behalf under Section 438 Cr. P.C. has become infructuous.

Accordingly, the application for anticipatory bail as far as the petitioner No. 2 Nandlal Sah is concerned, is dismissed as infructuous.

In respect of other three petitioners, it is contended that there is no allegation of theft of stone chips or sand. The stone chips and sand were recovered from the premises of the petitioners. The petitioners had purchased the same for the purpose of construction of his house. He further contended that in absence of any case of reported theft, ingredients of the offence punishable under Section 414 of the Indian Penal Code or Section 40 of the Bihar Minor Mineral Concession Rule would not be attracted.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of

the case, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, namely, (1) Bimal Yadav, (2) Nathuni Sah and (3) Kamlesh Prasad, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bettiah, West Champaran in connection with Mainatar P.S. Case No. 56 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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