

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44049 of 2016

Arising Out of PS.Case No. -259 Year- 2016 Thana -BARBIGHA District- SHEIKHPURA

- =====
1. Mahendra Yadav, Son of Ram Chandra Yadav, resident of Bangoli Tola, O.P. P.S. and District- Sheikhpura.
 2. Manoj Kumar Son of Bundel Yadav @ Bundel Yadav P.O. Panaipur P.S. Barbigha District-Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the State : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the parties.

The petitioners apprehend arrest in connection with Barbigha P.S. Case No. 259 of 2016 dated 15.07.2016 instituted under Sections 414/379 of the Indian Penal Code and 8 of the Bihar Mines and Minerals Act.

The allegation against the petitioners is that they were involved in illegal sand mining from a stream and upon seeing the raiding party, they had run away. Petitioner no. 1 is the driver of

the tractor whereas petitioner no. 2 is the owner. Learned counsel for the petitioners submits that the tractor was loading mud and not sand and due to the raiding party, out of fear, the petitioner no. 1, who is the driver ran away whereas petitioner no. 2 was not even at the spot. It is submitted that the petitioners have clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J. 2nd Sheikhpura in Barbigha P.S. Case No. 259 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

Further, the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also

lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

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