

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42350 of 2016

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1. Md. Akhtar @ Md. Akhtar Ali son of Md. Mustafa Resident of Village-
Ranipatra, P.S.- Sadar, District- Purnea.
2. Sanjay Sah @ Sanjay Kumar Sah Resident of Village- Rajiganj, P.S.-
Sadar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. (Dr.) Kumar Uday Pratap

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 06-10-2016

Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Sadar (Mufassil) Police Station Case No. 234 of
2016, disclosing offences under Section 414 of the Indian
Penal Code, Section 49 (3) of the Bihar Minor Mineral
Concession Rule, 1973, and Section 8 of the Bihar Mineral
Rules, 2003.

On the allegation that petitioners had engaged
themselves in illegal business of sand and stone chips,
without valid license, the First Information Report came to
be registered on the basis of information given by the
Mining Inspector -cum- Competent Authority, Purnea. The
petitioner no. 1 was found in possession of 400 cft. of sand

and 600 cft. of stone chips; whereas, petitioner no. 2 was found in possession of 400 cft. of sand and 300 cft. of stone chips.

Learned Counsel appearing on behalf of the petitioners has submitted that the petitioners are constructing their houses, for which they had stored the sand and stone chips and they were not engaged in any business.

Considering the above submission, this application is allowed.

Let the petitioners, namely, Md. Akhtar @ Md. Akhtar Ali and Sanjay Sah @ Sanjay Kumar Sah, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds 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 Sadar (Mufassil) Police Station Case No. 234 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before

the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-c

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