

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.329 of 2016

Arising Out of PS.Case No. -178 Year- 2015 Thana -SIRDALA District- NAWADA

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Suresh Prasad, Son of Late Hulash Prasad, resident of Village- Balluatari,
P.S.- Sirdalla, District- Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajeev Nayan, Advocate

For the Opposite Party : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 24-02-2016 I have heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection with

Sirdalla P.S. Case No. 178 of 2015 registered for offences

punishable under Section 420 of the Indian Penal Code and

Sections 5, 6 and 8 of Bihar Minerals (Prevention of Illegal

Mining Transport and Storage Rules, 2003 and Rule 40 of Bihar

Minor Minerals Rules, 1972.

As per allegation the petitioner was forcing the

persons to pay Rs. 1050 for 70 – 80 Cft. of sand whereas he was

required to charge only Rs. 550/- for hundred Cft.

However, it is contended that nothing has been

collected during the course of investigation indicating the

involvement of petitioner in such activity. It is also stated that ingredients of Section 420 of the Indian Penal Code are not made out in the present case.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Suresh Prasad be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Sirdalla P.S. Case No. 178 of 2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Nawada subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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