

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15190 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -MADANPURA District- AURANGABAD

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1. Madanlal Prajapati
2. Ram Krishna Mishra,
3. Md. Muslim @ Muslim &
4. Ram Gopal Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey
Mr. S.N. P. Sinha, Advocate.

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-04-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Madanpur P.S.

Case No. 05 of 2017 initiated for the offence under Sections-
379/411 of the Indian Penal Code and 40 of Bihar Minor Mineral
Concession Rules, 1972 and Section-3 of Prevention of Damage
of Public Property Act.

As per allegation, the quantify of sand, found loaded on
the truck of petitioners was excess.

It has come in the order of the learned Sessions Judge
that all these petitioners are owner of the trucks and holding valid
chalan for the sand, which were loaded on the trucks. It has further
been submitted that co-accused namely, Bachan Ram Yadav @
Bechan Ram Yadav has been granted privilege of anticipatory bail



by a coordinate bench of this court by order dated 18-03-2017 passed in Cr. Misc. No. 10355 of 2017.

Accordingly, prayer for anticipatory bail is allowed it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Madanpur P.S. Case No. 05 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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