

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19242 of 2017

Arising Out of PS.Case No. -223 Year- 2016 Thana -BAUSI District- PURNIA

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1. Jabs Ahmad @ Jalees Ahmad S/o Khaleeel Ahmad R/o 121 Dayalpura, Nawabganj, P.S. - Nawabganj, District - Baraily (U.P.)
 2. Rajnish Kumar S/o Ganga Ram R/o Kalyanpur, Jivan Sahay, P.S. - Hafizganj, District - Baraily (U.P.)
 3. Md. Ibrahim @ Ibrahim S/o Karim Vaksha R/o Tanda Sadat, Nawabganj, P.S. - Nawabganj, District - Baraily (U.P.)
 4. Munna S/o Naimul Hassan R/o Khato, Nawabganj, P.S. - Nawabganj, District - Baraily (U.P.).

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam, Advocate

For Mines Department : Mr. Rajendra Prasad, Special P.P. Mines

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-05-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Baisi P.S. Case No. 223 of 2016 registered for the offences punishable under Section 379 of the Indian Penal Code, Bihar Minerals Prevention of illegal Mining, Transportation and storage Rules, 2003 and 21(1), 21(2) of Mines and Mineral (Development & Regulation) Act, 1957.

Allegation against the petitioners is that without having valid challan as mentioned in Column-7 of FIR the vehicles of petitioners were moving with coal and vehicles were



intercepted.

It has been submitted on behalf of the petitioners that petitioners have valid challan and all other columns were fulfilled by them as required and so far Column-7 is concerned, it is submitted that they have no knowledge about the same and other persons having similar allegation arising out of the same case have been granted anticipatory bail by this Court in Cr.Misc.No. 15460 of 2017, vide order dated 18.4.2017.

Heard learned APP and learned counsel for the Mines Department, who have opposed the prayer for bail on the ground that petitioner have no valid challan and caused huge revenue of the Government also.

Having heard both sides and considering the fact that other co-accused having similar allegation have been granted bail by this Court, let the petitioners, named above, surrender in the court within a period of two weeks from the date of receipt/production of a copy of this order and on their so surrendering they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection with Baisi P.S. Case No. 223 of 2016, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and further conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned and petitioners shall co-operate in the investigation and make themselves available before the Investigating Officer as and when required and in the event of failure on his part to appear before the I.O. on two consecutive dates, the prosecution shall be free to move for cancellation of their bail bonds and further petitioners will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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