

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26701 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -GALGALIA District- KISANGANJ

- =====
1. GHANSHYAM MAHTO @ GHANSHYAM, son of Ram Briksha Mahto, &
 2. Shiv Kumar Mahto @ Shiv Kumar, son of late Ramjee Mahto, both resident of Neknagachh, Police Station- Galgalia, District- Kishanganj.
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Ahtash Ali Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 06-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Galgalia P.S. Case No.12 of 2017 instituted for the offence under Section(s) 379, 411/34 Indian Penal Code, Section 40 of the Mining Act, 1972, and Section 8 of Bihar Mineral Rules, 2003.

It has been submitted that the petitioners are the owner of the Tractors. They have not been apprehended on the spot. Tractors were parked on the side of the road.

As per written report, tractors were found loaded with sand without any valid paper and driver of both the tractors managed to run away.

From the written report itself, it appears that



petitioners were not present at the spot.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Galgalia P.S. Case No.12 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st class, Kishanganj, subject to the conditions as laid down under Section 438(2) 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.

JA/-

(Sanjay Priya, J)

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