IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42855 of 2017

Arising Out of PS.Case No. -66 Year- 2017 Thana -KARAI PARSARAI District- NALANDA (BIHARSHARIFF)

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1. Jitendra Prasad
2. Kishori Prasad @ Kishore Pd.

Both Sons of Chandrakalika Kant, both residents of village - Jahanpur.

3. Anil Kumar, Son of Devendra Prasad, resident of Village - Shiria.
4. Raju Kumar
5. Binod Prasad @ Binod Kumar

Both Sons of Bijendra Prasad, both residents of village - Sigarampur.

6. Chaneshwar Prasad @ Chanesar Prasad, Son of Ramdeo Prasad, resident of Village – Sigarampur.

All are P.S. Dhanarua, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Adv.

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-09-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Karai Persurai P.S. Case No. 66 of 2017, disclosing offences under Sections 307, 353 and 414 of the

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Indian Penal Code, Section 27 of the Arms Act and Section 8 (d) of the Bihar Mines and Minerals Act, 2003.

A raid was conducted by the police on the information of illegal extraction of sand. The police party was able to arrest some persons and seize few tractors, engaged in illegal extraction of the sand. It is alleged in the First Information Report that at the time of raid being conducted, Pintu Yadav and Mahesh Yadav opened fire to prevent the police party from discharging their duties and carry out the raids.

The petitioners have been implicated in this case because six of the tractors, seized by the police, belonged to these petitioners. It is submitted on behalf of the petitioners that over and above the fact that their tractors were found engaged in extraction of illegal sand, there is nothing against them. It has also been submitted that there is no chance of these petitioners fleeing from the course of investigation or trial, if they are allowed anticipatory bail.

It has been stated in paragraph 3 of this application that the petitioners have no criminal antecedent.

Considering the facts and circumstances of the case and submission, as above, this application is allowed. Let the petitioners, above named, in the event of their

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arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Hilsa at Nalanda**, in connection with **Karai Persurai P.S. Case No. 66 of 2017**, 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, above named, 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.

This is also subject to the condition that if the petitioners, above named, are found engaged in similar activities or fail to make sure that their vehicles are not used for illegal purpose in future, leading to lodging of a criminal case, the State shall be at liberty to apply before this Court for cancellation of their bail-bonds.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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