

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50366 of 2017

Arising Out of PS.Case No. -120 Year- 2017 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

=====

Ajit Kumar, aged about 43 Years, Son of Bindeshwar Prasad, R/o House
No.22, Meghi, Nongawan, P.S.- Deep Nagar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chitranjan Sinha, Adv.

For the Opposite Party/s : Mr. Sri Nityanand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 08-12-2017 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Nalanda Police Station Case No. 120 of 2017, disclosing
offences under Sections 379 of the Indian Penal Code and
Section 4/40 of Bihar Mines and Mineral Concession Rules
1972 and Section 8(d) of Bihar Minerals (Transportation of
illegal mining, storage and prevention) Act, 2003.

Learned counsel for the petitioner has submitted that
the petitioner, who is said to be of clean antecedent, is innocent
and has not committed any offence. In fact, the petitioner
happens to be owner of the alleged tractor and trailer and he was
not involved in loading the illegal sand. As a matter of fact said



sand was loading after obtaining the legal challan form the appropriate authority, which is evident from annexure-3. Nothing has been recovered from the possession of the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Nalanda Police Station Case No. 120 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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