

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40432 of 2017

Arising Out of PS.Case No. -635 Year- 2016 Thana -BIHTA District- PATNA

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1. Niranjan Kumar, Son of Ramdev Ray, Resident of 19, Suarmarava, Maner, P.S.- Maner, District- Patna (Owner of Poklen Machine vide HYUNDAI EXCAVATOR MODEL R- 220LC-7 Serial No. N602DO1248).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bihta P.S. Case No. 635 of 2016 instituted for the offence under Sections-379, 420, 120(B) of the Indian Penal Code and 39, 40, 41 of the Mining Act.

It has been submitted on behalf of petitioner that he is not named in the written report. He has no criminal antecedent. In the written report, it is alleged that Birendra Rai and Akhilesh Rai along with other persons were excavating the sand from the place of occurrence by Poklen Machine. The driver of the Poklen Machine fled away. It is alleged that one of the Poklen Machines belongs to this petitioner. As such, the petitioner was not present at the place of occurrence. There is no any specific allegation of overt act against this petitioner.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six 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 Bihta P.S. Case No. 635 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna 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) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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