

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41422 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -KARAI PARSARAI District- NALANDA
(BIHARSHARIFF)

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1. Basant Prasad son of Shivbalak Singh, R/o Kolhar Hajipur, P.S.- Fatuha,
District- Patna.
 2. Lalan Kumar son of Manejar yadav, R/o Gongaripur, P.S.- Manpur,
District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Director, Mines and Geology Department, Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Prasad, Advocate
For the Opposite Party No.2 : Mr. Rajendra Prasad, Spl. P.P., Mines
For the State : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioners, learned

counsel for the State and learned counsel appearing for the

Department of Mines and Geology.

The petitioners seek pre-arrest bail in connection with
Karai Parsurai P.S. Case No.41 of 2017 registered under Sections
379 of the Indian Penal Code, Rules 4 and 40 of the Bihar Minor
Minerals Concession Rules, 1972 and Section 8 of the Bihar
Minerals (Prevention of Illegal Mining, Transportation and
Storage) Rule, 2003.

It is submitted by the learned counsel for the petitioners
that the petitioners are drivers of the trucks bearing Registration



No.BR21GA-3854 and BR21GA-3354. He has submitted that similarly circumstanced co-accused Sujeet Kumar, Chunnu Singh and Rajiv Kumar have already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 10.08.2017 passed in Cr.Misc. No.36228 of 2017. He has also contended that similarly circumstanced other co-accused, namely, Sanjit Kumar @ Sujit Kumar having more or less similar allegation to that of the petitioner has already been granted pre-arrest bail vide order dated 08.09.2017 passed in Cr.Misc. No.41297 of 2017 and co-accused Rinku Kumari has also been granted pre-arrest bail vide order dated 24.08.2017 passed in Cr.Misc. No.38775 of 2017 by a co-ordinate Bench of this Court.

Learned counsel for the State and learned counsel appearing for the Mines and Geology Department do not dispute the aforesaid contention of the learned counsel for the petitioners.

Considering the submissions made above, the petitioners, namely, Basant Prasad and Lalan Kumar are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in connection with Karai Parsurai P.S. Case No.41 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure, in the event of arrest or surrender before the court below within four weeks from today.

(Ashwani Kumar Singh, J)

Md.S./-

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