

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58269 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -TEDHAGACHH District- KISANGANJ

=====

1. Jiyaul Haque @ Md. Jabul @ Shri Jiyaul Haque, son of Gajju Mian,
resident of Village- Hatgaon, P.S.- Tedhagachh, District- Kishanganj,
Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Dilip Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 19-12-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Tedhagachh P.S.**

Case No.42 of 2017 instituted for the offence under Section(s)
379 Indian Penal Code and Section 40 of the Bihar Minor
Mineral Concession Rules, 1972, under Sections 3, 4, 6, 8 of the
Bihar Minerals (Prevention of Illegal Mining Transportation
Storage) Rules, 2003.

Counsel for the petitioner has submitted that general
and omnibus allegation has been levelled against the petitioner.

It is alleged in the written report that the informant
found 700 cft of sand stocked at the place of occurrence. It is
further alleged that during investigation, it came to notice that
10,000 cft of sand has already been sold.



As such, there is no allegation of overt act against this petitioner in the written report.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Tedhagachh P.S. Case No.42 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, 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) 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)

JA/-

U		T	
---	--	---	--

