

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57995 of 2017

Arising Out of PS.Case No. -285 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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1. Mahendra Yadav S/o Late Baso Yadav Resident of Village - Sataua, P.S.
- Alampur, P.S. - Giriyak, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with Giriyak P.S.Case No. 285 of 2017 registered under Section 379 of the Indian Penal Code, Section 4/40 of the Bihar Mining Concession Rule, 1972 and Section 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

It is submitted by the learned counsel for the petitioner that the petitioner is not named in the FIR. He apprehends his arrest in connection with the case as he is the owner of the tractor, which was seized by the police on the complaint of a private person. The said tractor was not engaged



either in illegal mining of sand or in carrying illegally mined sand.

On the other hand, learned counsel for the State submitted that according to the FIR the tractor was seized and brought to the Giriyak Police Station as it was loaded with illegally mined sand from Sataua river for which both owner and driver were equally responsible.

Having heard the parties, regard being had to the nature of allegation and the statement made on oath that the petitioner has got no criminal antecedent, in the event of arrest or surrender before the court below within four weeks from today, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Giriyak P.S.Case No. 285 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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