

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12305 of 2017

Arising Out of PS.Case No. -185 Year- 2016 Thana -BAUSI District- PURNIA

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1. Najir Hussain, S/o Ishaque, Resident of Duladpur, P.S.-Karandiggi,
District-Uttar Dinajpur (West Bengal) Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

Mr. D.N. Tiwari, Advocate

Mr. Saket Tiwari, Advocate

For the Opposite Party/s : Smt Indu Kumari Srivastava (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection with Baisi P.S. Case No. 185 of 2016, registered for the offences punishable under Sections 414, 467, 468, 471 of the Indian Penal Code and Section 21(1) (2) of Mines and Mineral (Development and Regulation) Act, 1957 and Section 8 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage), Rules 2003.

Allegedly, truck bearing registration No. BR-01GC/0172 and others loaded with coal were stopped at Dalkola Check Post and it is alleged that no valid papers were produced and the truck was loaded with coal.

Submission is of false implication and that the petitioner is the owner of the Janta Coal Depo, Chocha, as per



Section 22 and 23A of Bihar Mines and Mineral (Development and Regulation) Act, 1957 only complaint can be lodged and the offence is compoundable in nature, co-accused Mritunjay Kumar @ Mritunjay Kumar Rana and Bhagwan Ray have been allowed pre-arrest bail vide Cr. Misc. No. 7060 of 2017 by another co-ordinate Bench of this Court and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that other co-accused have been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a 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 to the satisfaction of learned Additional Chief Judicial Magistrate-II, Purnea, in connection with Baisi P.S. Case No. 185 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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