

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16055 of 2017

Arising Out of PS.Case No. -25 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Amar Sah Son of Vishwanath Shah, Resident of Village- Tenduni, P.S.-
Karagahar , District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 08-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Nokha P.S. Case
No. 259 of 2017 instituted for the offence under Sections-379, 411
of the Indian Penal Code, 40(1) of Bihar Mineral Act and
Sections-7/8 of BMM Act, 2003.

It has been submitted that during course of raid at Tilai
More of Baraw Dinara Path, a tractor as mentioned in the written
report has been apprehended with illegal sand. The driver fled
away by taking the benefit of darkness.

It has been submitted on behalf of the petitioner that he
is owner of the aforesaid tractor. He was not present at the spot. It
has further been submitted that the driver was having valid challan
of the aforesaid sand which would be evident from Annexure-3 to



this petition but the same was not produced by the petitioner..

In such circumstances, prayer for anticipatory bail is allowed 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 Nokha P.S. Case No. 25 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, Rohtas 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 petitioners 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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