

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48292 of 2017

Arising Out of PS.Case No. -219 Year- 2017 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Bablu Yadav, Son of Sri Ram Prasad Yadav, Resident of
Village/Mohallah- Imadpur, P.S.- Biharsharif, District- Nalanda at
Biharsharif (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. M. Kumar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 17-10-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Rahui P.S. Case No.219 of 2017** instituted for the offence under Section(s) 379 Indian Penal Code, Section/Rules 4, 40 of the Bihar Minor Mineral Concession Rules, 1972, (wrongly written as Bihar Small Mining Act, 1972 in the FIR), Section/Rule 8(d) of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, (wrongly written as Bihar Mining Act in the FIR).

There is allegation in the written report that Informant got information about extraction of sand from land of Devan Paswan. Petitioner is said to be owner of the Tractor and



Trailer over which sand was found loaded.

Counsel for the petitioner has submitted that Devan Paswan has filed an application before the Chief Judicial Magistrate, Nalanda, that no sand was extracted from his land. Moreover, this petitioner is said to be the owner of tractor and trailer and was not present at the spot. It is mentioned in para 3 that the petitioner has no criminal antecedents.

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 **Rahui P.S. Case No.219 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 **Sub-Judge-cum-Additional Chief Judicial Magistrate, V, Nalanda at Biharsharif**, 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)

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