

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38341 of 2017

Arising Out of PS.Case No. -529 Year- 2016 Thana -BIHTA District- PATNA

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Ram Babu Prasad Yadav, Son of Ramsakal Prasad Yadav, Resident of Tata Colony, Madhavpur, Maner, Police Station- Maner, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. A.N. Sahay, Advocate

For the Opposite Party No. 2

(Mines Department) : Mr. Rajendra Prasad, Advocate
Special P.P. (Mines)

For the State : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Bihta P.S. Case No. 529 of 2016 instituted for the offence under Sections 147, 148, 149, 379, 414, 406, 420, 467, 468, 471 and 387 of the Indian Penal Code.

It is alleged in the written report that informant learnt about illegal mining of sand done in Anandpur (Maner). The informant with other police party reached there and arrested 28 persons who were loading the sand on Boat. The police also recovered 23 Poclain JCB Machines. Petitioner is said to be the owner of the Poclain JCB machines.

It has been submitted on behalf of the petitioner that he has no concern with illegal mining of the sand.



It is mentioned in paragraph-3 of the bail petition that petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Bihta P.S. Case No. 529 of 2016, he shall be released on anticipatory 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, Danapur, Patna, 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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