

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54392 of 2017

Arising Out of PS.Case No. -121 Year- 2017 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

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1. Hirdeo Yadav @ Hirdey Yadav @ Hirdev Yadav @ Hardeo Prasad Yadav, Son of Late Dalo Yadav,
2. Pramod Kumar S/o Hardeo Prasad Yadav, Both R/o Village- Dariya Sarai, P.S.- Silao, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 14-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Nalanda P.S. Case No. 121 of 2017 instituted for the offence under Sections 379 of the IPC and Sections 4 and 40 of the Minor and Mineral Act 1972 read with Order 8D of Bihar Mineral (Illegal Mining, Transportation, Storage) Prohibition Rule, 2008.

It has been submitted on behalf of the petitioner that petitioner no. 1 is owner of tractor and petitioner no. 2 is driver of the tractor. There is allegation that a tractor was found loaded with sand and when the police party reached there driver and owner of the tractor fled away. Counsel for the petitioner has submitted that bonafide owner loaded the sand and that vehicle in question was



validly registered with the Department of Transport, Govt. of Bihar. In support, registration papers annexed as Annexure-P2 and P3 to this petition has been filed. It has been further submitted that driver took chalan provided by M/s Mahadeo Enclave Pvt. Ltd. for one trailer sand and loaded the sand from stock of the company and was going to drop the same to the purchaser. The aforesaid copy of chalan is annexed as Annexure-P4 to this petition.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their 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 in connection with Nalanda P.S. Case No. 121 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif 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) petitioners 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 bonds of the petitioners and (3) if the petitioners



tamper 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 petitioners.

(Sanjay Priya, J)

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