

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62075 of 2017

Arising Out of PS. Case No.-304 Year-2017 Thana- GIRIYAK District- Nalanda

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1. Nitish Kumar @ Neta Jee, S/o Bhola Yadav,
 2. Sanjay Yadav S/o Chandrika Yadav, Both R/o Village- Mahmad Pur, P.S.- Gririyak, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1

For the Opposite Party/s : Mr. SRI ANIL KUMAR SINGH 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and learned
Special P.P. for the Mines.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379, 323, 353 of the IPC, Section 4/40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2008.

The prosecution case is that one tractor was seized, while sand was being loaded on it at Musabatpur-Dariyapur Ghat. The driver of the tractor succeeded in fleeing away on arrival of the police. It is further alleged that after seizure, when the tractor



was being taken to the police station, on the way, the petitioners, father of petitioner no.1 and 8 to 10 other persons started scuffling with the police against the alleged seizure, but anyhow the police brought the said tractor to the police station.

It is submitted by learned counsel for the petitioner that in fact empty tractor was seized and maliciously, the petitioners have been roped in as an accused in the present case. There is nothing on record to suggest that any scuffle took place and that any body received any injury. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned Special P.P., for Mines submits that the sand was in process of being loaded when the seizure was made.

Considering the nature of accusation, coupled with the fact that no incriminating material has been seized, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Giriyak P.S. Case No. 304 of 2017, subject to the condition as laid down under Section



438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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