

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46345 of 2017

Arising Out of PS.Case No. -207 Year- 2017 Thana -NABINAGAR District- AURANGABAD

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1. Raj Kumar Son of Lalit Singh Prasad, R/o Village- Ratu Bigha Dalmiya
Nagar, P.S.- Dalmiya Nagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-09-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Nabinagar P.S. Case No. 207 of 2017 disclosing offences under Section 379 of the Indian Penal Code and Section 40 of the Bihar Mines Act.

As per the allegation, on the basis of written report of Circle Office, FIR has been registered. The petitioner was found indulging in illegal mining of sand with the help of Poklene machine, despite, ban order of the State Government. It is also stated in the said written report that the Circle Officer, after catching hold of the petitioner, had handed him over to the officer-in-charge of the Police Station.



Learned counsel for the petitioner has submitted that the petitioner's name has wrongly been mentioned as the accused. According to the petitioner, if the allegation in the First Information Report is taken to be true, he would have been arrested by the police then and there. It has also been submitted that the petitioner has no criminal antecedent which has been stated in paragraph 3 of the petition.

Considering the submission, as above, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. Case No. 207 of 2017 subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

It is observed that if the petitioner, in future, indulge



in any activity of similar nature, the State shall be at liberty
to seek cancellation of his bail bond.

(Chakradhari Sharan Singh, J)

sushma/-

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