

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57858 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -TEDHAGACHH District- KISANGANJ

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Md. Samruddin @ Samsuddin @ Samruddin, Son of Mangluddin, resident
of Village- Hargaon, P.S.- Tedhagachh, District- Kishanganj, Bihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-12-2017 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Tedhagachh P. S. Case No. 42 of 2017 registered under
Sections 379 of the Indian Penal Code, 40 of the Bihar Minor
Mineral Concession Rule, 1972 and 3, 4, 6 and 8 of the Bihar
Minerals (Prevention of Illegal Mining Transportation Storage)
Rules, 2003.

It is submitted by the learned counsel for the
petitioner that the petitioner is a daily wage labourer and is not
aware of the fact as to whether his master has got valid licence
for stocking sand. He submitted that the petitioner has been



falsely implicated in this case and co-accused Jiyaul Haque @ Md. Jabul @ Jiyaul Haque having identical allegation to that of the petitioner has already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 19.12.2017 passed in Cr. Misc. No. 58269 of 2017.

Learned Additional Public Prosecutor for the State does not dispute the aforesaid contention made by the learned counsel for the petitioner.

Regard being had to the submission made on behalf of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in Tedhagachh P. S. Case No. 42 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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