

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54606 of 2017

Arising Out of PS.Case No. -126 Year- 2017 Thana -SILAW District- NALANDA
(BIHARSHARIFF)

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1. Rakesh Kumar,
2. Santosh Kumar
Both sons of Ramadhr Prasad, R/o Village- Dalarua Bigha, 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. Rabindra Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 15-11-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Silao P.S.**
Case No. 126 of 2017 instituted for the offence under Section 379
of the Indian Penal Code, Sections 4, 5, 6 and 7 of Bihar Minerals
Prevention of Illegal Mining and Transportation and Storage Rule,
2003 and Sections 4/40 of Bihar Mines and Minerals Concession
Act, 1972.

It has been submitted that petitioners are owner and
driver of the truck which is alleged to have been apprehended with
loaded sand. It is mentioned in paragraph-9 of the bail petition that
there was valid challan for the aforesaid sand, copy of which, has



been enclosed as Annexure-2.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Silao P.S. Case No. 126 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-I, Nalanda at Biharsharif**, 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) 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 bond of the petitioners and (3) if 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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