

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57598 of 2017

Arising Out of PS. Case No.-258 Year-2017 Thana- RAMGARH District- Bhabhua (Kaimur)

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1. Anurag Kumar Singh @ Anurag Singh, son of Kuer Singh,
 2. Kuer Singh @ Kuer Singh Yadav, son of Ram Bachan Singh,
Both resident of Village- Bahpura, P.S.- Ramgarh, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey

For the Opposite Party/s : Mr. RAM ANURAG SINGH

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-12-2017 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ramgarh Police Station Case No. 258 of 2017, disclosing offences under Sections 379/34 of the Indian Penal Code, Section 4/40 of the Bihar Minor Mineral Concession Rules, 1972, and Section 6a/5a/5c/8a of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rule, 2003.

The tractor, registered in the name of petitioner no. 2, was found loaded with sand. The petitioner no. 1, who is son of petitioner no. 1, was driving the said tractor, when the police searched the vehicle and subsequently seized it.



The allegation is that the sand was being carried in violation of the provisions of Bihar Minor Mineral Concession Rules, 1972, and the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rule, 2003.

It is submitted on behalf of the petitioners that the said sand was procured by the petitioners for the purpose of construction of their house on 03.05.2017. Subsequently, the sand was proposed to be used for construction of toilets under the scheme of the Government, for which the sand was being transported at the time of search.

Be that as it may, since it is the stand of the petitioners that the petitioners shall not evade appearing before the police at the time of investigation or before the Court, as and when required, this application is allowed.

Let the petitioners, namely, Anurag Kumar Singh @ Anurag Singh and Kuer Singh @ Kuer Singh Yadav, 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur, at Bhabhua, in connection with Ramgarh Police Station Case No. 258 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 petitioners 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 bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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