

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55618 of 2017

Arising Out of PS.Case No. -219 Year- 2017 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Gautam Kumar Yadav S/o Sri Ashok Yadav, R/o Village/Mohallah-
Imadpur, P.S.- Biharsharif, District- Nalanda at Biharsharif (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Rahui P.S. Case No. 219 of 2017 instituted for the offence under Section-379 of the Indian Penal Code and Section/Rules 4/40 of Bihar Minor Mineral Concession Rules 1972 (wrongly written as Bihar Small Mining Act 1972 in the formal first information report) and Section/Rule 8(d) of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules 2003 (wrongly written as Bihar Mining Act in the formal first information report).

It has been submitted that this petitioner is a driver of the tractor which is alleged to have been found loaded with sand extracted from the private land of Devan Paswan.

Counsel for the petitioner has submitted that Devan Paswan has filed a petition before the learned Chief Judicial Magistrate,



Nalanda stating that no sand was extracted from the land. It has further been submitted that owner of the tractor has already been granted privilege of anticipatory bail by this court vide order dated 17-10-2017 passed in Cr. Misc. No. 48292 of 2017.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Rahui P.S. Case No. 219 of 2017 to the satisfaction of Sri Avinash Sharma, learned Sub Judge-cum ACJM-V, Bihar Sharif, Nalanda subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

A.K.V./-

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