

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50692 of 2017

Arising Out of PS.Case No. -190 Year- 2017 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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Shivaji Yadav @ Shiv Dayal Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Noorsarai P.S. Case No. 190 of 2017 instituted for the offence under Sections-4, 5, 6 & 7 of the Bihar Illegal Transportation and Storage Prevention of Rule 2003 and Sections-4/40 of Bihar Mining Concession Rule, 1972.

It has been submitted that the petitioner is not named in the FIR. His name has been disclosed by co-accused Kamlesh Prasad who was apprehended while taking sand on a tractor as mentioned in the written report. He disclosed before the police that he also produced two Challans of other tractor and disclosed that the petitioner has purchased the sand in question and told him to sell at Charnipar.

It has been submitted that the petitioner has no concern with the sand as he is not dealing in sand business.

From the written report itself, it appears that he was not apprehended with the sand.



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 in Noorsarai P.S. Case No. 190 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif 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)

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