

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45560 of 2017

Arising Out of PS.Case No. -88 Year- 2012 Thana -KHAIRA District- JAMUI

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MD. MURTAZ ANSARI @ MURTAZA ANSARI, Son of Mukim Mian
@ Mukim Ansari, Resident of Village- Sikamadih, Post- Garhi, Police
Station- Khaira, District- Jamui.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar Singh, Advocate.

For the Opposite Party : Smt. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-09-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 379 of the IPC, 4/40 of the
Bihar Minor Mineral Concession Rules, 1972 and ¾ of Explosive
Substance Act.

The prosecution story, in brief, is that on 21.06.2012
the informant and others found that 30-35 labourers had been
excavating sondes. During enquiry, it was found that on Plot No.
1700 in Mauza Sokho, illegal mining was conducted by this
petitioner and others and they used to sell to local contractors. It
was also found that the accused persons had been using explosives



for illegal mining without having any license for the same.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to mistake of fact. Accusation of illegal mining is denied by the petitioner. There is no substantive evidence to suggest his implication in such activities.

On behalf of the learned counsels for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Jamui, in connection with Khaira P.S. Case No. 88/2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

