

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46706 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

=====

Kanhaiya Kumar, son of Pradip Prasad, resident of Village-Manpur, Police
Station-Hilsa, District-Nalanda.

.... Petitioner

Versus

1.The State of Bihar
2.The Mines and Mineral Department, Govt. of Bihar, Patna

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Pravin Kumar
For the Opposite Party/s : Mr. Ajay Kumar -2
For Mines Department : Mr. Rajendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-09-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Telhara
P.S. Case No. 107 of 2017 registered for the offences punishable
under Sections 379, 411, 188 of the Indian Penal Code and 4.40 of
Bihar Minor Minerals Concession Act.

Allegation against the petitioner is of committing theft of
sand and he was arrested along with tractor.

Submission of learned counsel for the petitioner is that he
is driver and he has also proper licence issued by B.D.O. of the
area and he is in custody since 6.8.2017 having no criminal
antecedent.

Heard learned APP and learned counsel for the Mines
Department. Learned counsel for Mines Department has opposed



the prayer for bail stating that B.D.O. is not the licensing authority under the Mines Act and further Government has stopped the mining during the period and also he has to collect sand from another area instead of the particular area.

Having heard both sides and in view of facts and circumstances, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar Singh, Judicial Magistrate-cum-Munsif, Hilsa, Nalanda, in connection with Telhara P.S. Case No. 107 of 2017, subject to the following conditions :-

- (1) One of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of the court concerned,
- (2) If active involvement of the petitioner in such type of cases is found in future, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

spal/-

U			
---	--	--	--

