

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14140 of 2018

Arising Out of PS.Case No. -520 Year- 2017 Thana -BIHTA District- PATNA

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Sahdeb Sao @ Sahdeb Shaw @ Sahdeb Rao, S/o Darshan Sao, R/o
Chugalamo, P.S.- Barkatha, District- Hazaribag, Jharkhand.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate.

For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bihta P.S.**

Case No. 520 of 2017 instituted for the offence under Sections 147, 148, 149, 406, 379, 120(B) of the Indian Penal Code and Sections 4/21 of Mines & Minerals (D&R) Act 1975, Section 4/40 of Bihar Mines Minerals Concessions Rules 1972 and Section 8 of Bihar Minerals and Prevention of illegal Mining Transportation Rules, 2003.

In the written report it is alleged that the informant along with Police officials raided the Amdabad Diara and saw that sand is being excavated illegally and loaded on the boat with the help of Poklen Machine. The driver of the Poklen Machine tried to run away but six persons were apprehended who disclosed the



name of other persons indulged in illegal excavation of sand.

As such, the petitioner was not present on the spot

Learned counsel for the petitioner has submitted that petitioner has been made accused in this case because he is owner of the seized Poklane Machine. It has further been submitted that other co-accused persons have already been granted anticipatory bail by coordinate Benches of this Court vide order dated 22.12.2017 and 01.02.2018 passed in Cr. Misc. 62109 of 2017 and 4111 of 2018.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Bihta P.S. Case No. 520 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Danapur, Patna**, subject to the conditions as laid down under Section 438 (2) 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 his absence



on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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