

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11118 of 2018

Arising Out of PS.Case No. -137 Year- 2017 Thana -ARIYARI District- SEKHPURA

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1. Shambhu Yadav, S/o Muni Yadav @ Munirak Yadav,
2. Binod Yadav S/o Arjun Yadav, Both R/o Village- Ranka- P.S.- Ariyari,
Distt.- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 26-02-2018 Learned counsel for the petitioners and learned A.P.P.

Petitioners seek anticipatory bail in Ariyari P.S.Case
No.137 of 2017 instituted for the offence under Sections 379, 413,
414 of the I.P.C.

Accusation is that the informant being the Mines
Inspector, Sheikhpura, inspected Ranka Pahar (mountain) and
found that local villagers had removed the stones due to that
reason the mountain fell down in rain fall. As such, mining of
breaking stones by local villagers under the Bihar Mineral Minor
Cess Rules, 1979 is illegal.

Learned counsel appearing on behalf of the petitioners
submits that the petitioners are not named in the F.I.R. lodged on



the basis of written report of the Mines Inspector of Mines Ariari P.S.Case No.137 of 2017 instituted under Section 379 of I.P.C. and Sections 4/40 of Bihar Mineral Minor Cess Rules, 1979 and Sections 5(a), 5(c) and 8(a) of Bihar Mineral [Prevention of illegal Mining Transportation and Storage] Rules, 2003. In course of investigation names of the petitioners have been disclosed by co-accused and nothing has been collected by the I.O. against the petitioners and they have no criminal antecedents.

Having considered the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sheikhpura, in Ariyari P.S.Case No.137 of 2017, G.R. No.1172 of 2017 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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