

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28514 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- GHOSI District- Jehanabad

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1. Naresh Yadav @ Naresh Prasad Son of late Jadeo Prasad Yadav
 2. Santosh Yadav@ Santosh Kumar Son of Peyare Yadav Both Resident of Village- Chunukpur, Police Station- Ghoshi, District Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 09-05-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Ghoshi P.S. Case No. 38 of 2018 instituted for the offence under Sections 379/411 of the IPC and Section 26 (A), 40 of the Bihar Mines and Minerals Concessions Rules, 1972 and Sections 2,3 and 4 of Bihar Mineral Prevention of Illegal Mining Storage and Transportation Act, 2003.

It is alleged in the written report that District Mining Officer, Jehanabad along with police party raided the Falgu Ghat at Chunukpur and found nine tractors loaded with illegal sand and four empty tractors. The petitioners are alleged to be the owner and driver of one of the empty tractor mentioned at serial



no. 9.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Ghoshi P.S. Case No. 38 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners 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 petitioners.

(Sanjay Priya, J)

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