

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28619 of 2018

Arising Out of PS. Case No.-76 Year-2018 Thana- SUGAULI District- East Champaran

Sharma Paswan @ Sharma Hazara S/o Bhaselu Paswan, R/o Vill.- Bahuarwa
Dushadh Toli, P.S.- Majhauriya, District- West Champaran..

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advt.

For the Opposite Party/s : Mr. Sri Mustaque Alam

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 15-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in Sugauli P.S. case no.
76 of 2018 instituted for the offence under Section(s) 379 of the
Indian Penal Code and Section 40 of the Bihar Minor Minerals
Concession Rules, 1972.

It is alleged in the written report that tractor loaded with
illegal sand was intercepted by mining officer and seizure list
were prepared. The petitioner is said to be the driver of the
aforesaid tractor.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in this case while the tractor was
standing on way to Sikrahana river and the same was illegally
seized by the Forest Officer. The maximum punishment of the



offence under Section 40 of the Bihar Minor Minerals Concession Rules 1972 is simple imprisonment for six months and fine of Rs. 5000/- or both. One of the co accused of this case has already been granted anticipatory bail by this Court vide order dated 26.4.2018 passed in Cr. Misc. no. 23837 of 2018 .

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Sugauli P.S. case no. 76 of 2018, 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 the learned CJM Motihari, East Champaran, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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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