

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46953 of 2018

Arising Out of PS.Case No. -422 Year- 2018 Thana -NAWADA District- NAWADA

=====

1. Rajendra Prasad Son of Janki Prasad Resident of Village - Rajapur,
Akauna, P.S. Nardiganj, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Sri Manish Kumar 2

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-08-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Nawada Nagar
(Bundel Khand) P.S. Case No. 422/2018, instituted for the
offences punishable under Sections 379 and 414 of the Indian
Penal Code read with Sections 4, 40 of the Bihar Minor Mineral
Concession Rule, 1972, Section 21 of Mines and Minerals
(Development and Regulation) Act, 1957 and Rule 3/8 of Bihar
Mineral (Prevention of Illegal Mining, Transportation and
Storage) Act, 2003.

Learned counsel for the petitioner has submitted that
petitioner is owner of the tractor as mentioned in the written
report, which is alleged to be loaded with illegal sand. The



petitioner has no concern with loading of the aforesaid sand. The loading of sand was done by driver of the tractor. It is further submitted that driver was having valid license for the aforesaid sand. The driver of the tractor has already been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 47464/2018 dated 14.08.2018.

Considering the facts and circumstances of the case, the 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 Nawada Nagar (Bundel Khand) P.S. Case No. 422/2018, 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 Chief Judicial Magistrate, Nawada, subject to the conditions as laid down under Section 438(2) of the 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 tamper 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.)

Rakhi

U		T	
---	--	---	--

