

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46845 of 2018

Arising Out of PS.Case No. -73 Year- 2018 Thana -BELHAR District- BANKA

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1. Raghubans Pandit, aged about 30 Years S/o Name Narayan Pandit, R/o Vill.- Tilakpur, P.O.- Manjhli Matihani, P.S.- Belhar, District- Banka.
2. Shyam Sundar, aged about 26 Years, S/o Kailash Pandit, R/o Vill.- Balia, P.S.- Belhar, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-08-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Belhar P.S. Case No. 73/2018, instituted for the offences punishable under Sections 379 and 411 of the Indian Penal Code read with Sections 4, 40 of the Bihar Minor Mineral Concession Rule, 1972, Section 4/21, 4/21(4A) of Mines Development and Regulation Act, 1957.

Learned counsel for the petitioners has submitted that petitioners are owner and driver of the tractor as mentioned in the written report. They were not carrying illegal sand on the aforesaid tractor rather they were carrying sand for their own purposes as their house is situated on the bank of river Badua.



Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Belhar P.S. Case No. 73/2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IIIrd, Banka, 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) petitioners 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 petitioners and (3) if petitioners 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 petitioners.

(Sanjay Priya, J.)

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