

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49777 of 2018

Arising Out of PS.Case No. -147 Year- 2018 Thana -AKBARPUR District- NAWADA

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1. Aftab Alam @ Guddu Khan, S/o Abdul Rayuf, resident of Village Rashat, P.S.- Akbarpur, District- Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-08-2018 Heard the parties.

The petitioner seeks anticipatory bail in connection with Akbarpur P.S. Case No.147 of 2018, registered for offences punishable under Sections 147, 379, 353, 120B, 414 of the Indian Penal Code and 4/40 of the Bihar Mines Mineral Concession Rules, 1972, 21 of the Mines and Minerals (Development and regulation) Act, 1957 and Rule 3/18 of Bihar Mines (Prevention of Illegal Mining, Transportation and Storage), 2003 and 15 E.P. Act, 1986.

As per F.I.R., allegation against the petitioner is that the petitioner along with 15-20 persons forcibly opened the gate of the trucks with help of Guddu Khan, which have been seized by the Mining Department and fled away with the aforesaid trucks



loaded with sands.

Submission of the learned counsel for the petitioner is that the petitioner is neither the owner nor driver of the said truck, in question rather he is a proprietor of Tata Hotel and he has been falsely implicated in the case. It is also submitted that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for bail.

In view of allegation against the petitioner, above named, I am not inclined to grant bail to the petitioner. Accordingly, prayer for anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrenders before the Court below and makes prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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