

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22725 of 2018

Arising Out of PS.Case No. -577 Year- 2017 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Manoj Kumar, Son of Late Chhotu Mahto @ Chhotu Prasad, Resident of
Village- Juniyar, P.S.- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-05-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Hilsa P.S. Case No. 577 of 2017** instituted for the offence under Sections 379/34 of the Indian Penal Code, Section 4/40 of Bihar Minor Mineral Concession Rules, 1972 and Section 8 of Bihar Mineral Illegal Mining Transportation Storage and Prevention Act, 2003.

It is alleged in the written report that on information that some illegal mining of the sand has been done by some persons by Tractor, the informant went to the spot with constables and found the sand loaded in the tractor. On seeing the police party, the driver of the Tractor fled away. Petitioner is said to be the driver of the aforesaid Tractor.

Learned counsel for the petitioner has submitted that co-accused Upendra Mahto with similar allegation has been granted



anticipatory bail by this Court vide order dated 12.12.2017 passed in Cr. Misc. 58539 of 2017.

From the written report itself it appears that petitioner was not present at the spot.

Considering the facts and circumstances of the case, 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 **Hilsa P.S. Case No. 577 of 2017**, 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 learned **Additional Chief Judicial Magistrate, Hilsa, Distt. Nalanda**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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