

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 866 of 2018

Arising Out of PS.Case No. -263 Year- 2017 Thana -SAHKUND District- BHAGALPUR

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Md Atim S/o Late Sk Jalil, R/o Village- Khaira , P.S.- Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Syed Masleh-Uddin Ashraf, Advocate

For the S t a t e : Mr Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 11-01-2018

Heard counsel for the petitioner and the State.

Petitioner seeks bail in a case registered under Sections 379, 411, 188/34 of Indian Penal Code, Rule 40 of Bihar Minor Mineral Concession Rule, 1972 and Rules 6/8 of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

Petitioner's counsel submits that recovery of the alleged sand from the trailer cannot be attributed to the petitioner as it was not recovered from the possession of the petitioner. He is the owner of the tractor and has no concern with the goods which is alleged to have been recovered while the same was being driven by some one else. Petitioner is in custody since 21.10.2017. Prior to the instant case, there is no criminal



antecedent of the petitioner.

Considering the aforesaid submissions, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate Bhagalpur in Shahkund (Sajour) Police Station Case No 263 of 2017 subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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