

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18803 of 2018

Arising Out of PS.Case No. -106 Year- 2017 Thana -CHIKSAUR District- NALANDA
(BIHARSHARIFF)

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1. Uday Prasad son of Mathura Das resident of Village : Akopur, P.S.
Chiksaura, District : Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 20-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in a case instituted
for the offences under Sections 379 of the Indian Penal Code
and Sections 4 and 40 of the Bihar Minor Mineral Concessions
Act, 1972 and Section 8 of the Bihar Minerals (Transportation
of Illegal Mining, Storage and Prevention) Act, 2003.

As per First Information Report, a tractor bearing
registration no. BR-30G-3814 and trailer no.BR-1GK-7391 was
intercepted and seized with the illegal sand. Present petitioner is
the owner of the tractor.

Learned counsel for the petitioner submits that petitioner
had no knowledge about carrying the illegal sand by the driver



and for the act of driver he cannot be punished as it is very difficult to watch on the activities of the driver.

Looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Uday Prasad, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate I, Hilsa, Nalanda in connection with Chiksaura P.S. Case No.106 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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