

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49505 of 2017

Arising Out of PS.Case No. -256 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

- =====
1. Dinesh Kumar,
 2. Ram Preet Kumar, Both sons of Baleshwar Mahto, Both are resident of Village Dhamar Police Station Rajgir, Distt. Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate.
For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 15-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Giriyak P.S. Case No. 256 of 2017** instituted for the offence under Section 379 of the Indian Penal Code, Sections 4/40 of Bihar Small Mining Act, 1972 and Section 8 of Bihar Mineral Prevention of Illegal Mining Transportation and Storage Rules, 2003.

In the written report the informant has alleged that he raised objection in loading the sand in the tractor as mentioned in the written report and, thereafter, informed Giriyak Police Station.

Learned counsel for the petitioners has submitted that from the written report itself it would appear that there is no allegation of any specific overt act against these petitioners. It has further been submitted that the petitioners are driver and owner of the aforesaid tractor.

It is mentioned in paragraph-3 of the bail petition that



petitioners have no criminal antecedent.

Considering the facts and circumstances of the case, 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 **Giriyak P.S. Case No. 256 of 2017**, 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 **learned Additional Chief Judicial Magistrate-I, Nalanda at Biharsharif**, 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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