

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58031 of 2018

Arising Out of PS. Case No.-199 Year-2018 Thana- HISUWA District- Nawada

Laljee Manjhi S/o Naresh Manjhi, R/o Vill.- Pachadha, P.S.- Hisua, District-
Nawada ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party : Mr. Shyameshwar Daya, APP 631

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-10-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 16.07.2018 in connection with Hisua P.S. Case No. 199 of 2018 for the offences alleged under Sections 379 of the Indian Penal Code, 4 and 40 of the Bihar Minor Mineral Concession Rule, 1972, Rule 2 of the Mines and Mineral (Development and Regulation) Act, 1957, and Rules 3 and 8 of the Bihar Mineral (Prevention of Illegal Mining Transportation & Storage) Rules, 2003.

The prosecution case, as lodged by the Mines Development Officer, Nawadah, is that a Mahindra tractor was found loaded with sand and on enquiry neither the driver nor the owner disclosed that it was being taken authorisedly.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and from



the case diary it appears that petitioner was just driver of the said Mahdindra tractor while the owner was one Rajesh Kumar @ Rajo Singh. He submits that he did not know that the sand was being loaded and carried unauthorisedly and that there is non-compliance of Section 100 of the Criminal Procedure Code while preparing the seizure list.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail, **on completion of investigation**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Hisua P.S. Case No. 199 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Nawadah, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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