

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23209 of 2018

Arising Out of PS.Case No. -26 Year- 2018 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

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1. Lalu Kumar S/o Raj Ballabh Prasad R/o Village - Dahaur Bigha, P.S. -
Telhara, District - Nalanda (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-04-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Telhara P.S.Case no.26 of 2018 , registered for offences
punishable under Sections 4/40 of Bihar Minor Mineral
Concession Rules, 1972 and Section 8(d) of Bihar Minerals
(Prevention of Illegal Mining , Transportation and Storage) Rules,
2003.

Allegation against the petitioner is of carrying sand on his
Tractor without having proper permit.

Submission of the learned counsel for the petitioner is that
he has been falsely implicated at the instance of the police and
nothing happens like that. It has further been submitted that he is
owner –cum-Driver of the Tractor and he has no criminal



antecedent.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner surrender before the court below within a period of four weeks from the date of receipt of the order and on his surrender he will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st class, Hilsa Nalanda (Bihar) in connection with Telhara P.S.Case No.26 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.
- (iv) If the petitioner is found involved in future in such type of cases, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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