

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26296 of 2018

Arising Out of PS.Case No. -12 Year- 2017 Thana -SUKHANI District- KISANGANJ

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Samim @ Md. Samim, son of Kashim, resident of Village- Bilayati Bari,
P.S. -Sukhani, District- Kishanganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Sukhani P.S. Case No. 12 of 2017 registered under Sections
379 read with 34 of the Indian Penal Code, 40, 40(8) of Bihar
Mines and Minerals concession Rules, 1972 and Section 8 of the
Bihar Minerals Rules, 2003.

It is submitted by the learned counsel for the
petitioner that first information report has been instituted by the
Mining Inspector on the basis of hearsay statement made by
some persons whose names and identity have not been disclosed



in the first information report. He submitted that apart from a vague and hypothetical allegation made in the first information report, there is nothing to connect the petitioner with the offence alleged.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of the offence and the allegation made in the FIR and the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Purnea in connection with Sukhani P.S. Case No. 12 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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