

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44276 of 2018

Arising Out of PS.C.ase No. -176 Year- 2018 Thana -SIRDALA District- NAWADA

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1. Prakash Prasad @ Pragash Prasad, S/o Late Dhannu Prasad, R/o Vill.- Dhopathal, P.S.- Sirdala, District- Nawada.
 2. Indradeo Yadav S/o Kanhay Yadav, R/o Vill.- Kamharua, P.S.- Rajauli, Distt.- Nawada.
 3. Uday Prasad Yadav, S/o Ganauri Prasad, R/o Vill.- Parkurha Sandh, P.S.- Sirdala, District- Nawada.
 4. Munna Yadav S/o Ganauri Prasad, R/o Vill.- Parkurha Sandh, P.S.- Sirdala, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Sirdala P.S. Case No. 176/2018, instituted for the offence punishable under Section 379 of the Indian Penal Code, Sections 4, 40 of the Bihar Minor Mineral Concession Rule, 1972, Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 and Rule 3/8 of Bihar Mineral (Prevention of Illegal Mining, Transportation and Storage) Act, 2003.

It is alleged in the written report that the prosecution



party intercepted three vehicles loaded with illegal Moram and the drivers of the aforesaid three vehicles fled away by jumping from the vehicle. The vehicles were seized and the seizure list was prepared.

Learned counsel for the petitioners has submitted that Moram does not come under the Mines and Minerals Act. He has further submitted that there is no any allegation levelled against these petitioners that they have done any illegal work with the aforesaid Moram. Further it has been submitted that the petitioners have clean antecedent.

Considering the facts and circumstances of the case, the 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 Sirdala P.S. Case No. 176/2018, 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 the learned Additional Chief Judicial Magistrate-V, Nawada, subject to the conditions as laid down under Section 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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