

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45899 of 2018

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1. Jagdeo Yadav, son of Babu Lal Yadav,
2. Pappu Kumar Yadav son of Sudhir Kumar Yadav Both are residents of
Village- Joripar, P.S.- Belhar, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in Belhar P.S.

Case No. 134/2018, instituted for the offences punishable under

Sections 379 and 411 of the Indian Penal Code read with Sections 4

and 40 of the BMMC Rule, 1972 and Section 8(d) of Bihar Mineral

(Prevention of Illegal Mining, Transportation & Storage) Rule, 2003.

Learned counsel for the petitioners has submitted that

Petitioner No. 1 is the owner and Petitioner No. 2 is the driver of the

tractor, which was seized by police. They were holding challan and

even after production of the same, the police still seized the tractor.

Learned counsel for the petitioners has pointed out Annexure-3 to

the bail petition, wherein it has been mentioned that police has seized

the tractor even after production of the challan on the ground that

period has lapsed.



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 Belhar P.S. Case No. 134/2018, 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 Chief Judicial Magistrate, Banka, 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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