

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37737 of 2018

Arising Out of PS.Case No. -235 Year- 2016 Thana -RAJAULI District- NAWADA

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1. MAHESH RAI @ MAHESH ROY, son of Jagdish Rai, resident of
Village- Mahatma Gandhi Road, Kalali Gali, Ward No.22, P.S.- Tilaiya,
District- Kodarma, (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. H. Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 11-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Rajauli P.S.**

Case No.235 of 2016 instituted for the offence under Section(s)
379 Indian Penal Code, Section 4/5 of the Explosive Substance
Act, Section 40 of the BMMC Rule, 21 of Bihar Minerals
Regulation & Development Act and Section 26 of the Forest Act.

Counsel for the petitioner submits that he was not
present at the place of occurrence. His name has been disclosed
merely on suspicion. The informant has not disclosed identity of
the person, who has disclosed the name of this petitioner.

In the written report, it is alleged that during
inspection of illegal mines excavation in village Chitarkoli, the
informant found some labourers were illegally excavating the



Mica and on seeing the police party they fled away. The public present there disclosed the name of the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Rajauli P.S. Case No.235 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Nawada**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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