

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3569 of 2018

Arising Out of PS.Case No. -520 Year- 2017 Thana -BIHTA District- PATNA

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1. Mahesh Kumar Singh @ Mahesh Kumar Rai, Son of Late Deo Kumar Singh, Resident of Chhihatar, P.S. Maner, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Mohan Mishra

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-03-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bihta PS case no. 520 of 2017 registered for the offences punishable under Sections 406 and other sections of Indian Penal Code, 4/21 MMDR Act, 1975, 4/40 Bihar Mines and Minerals Rules, 1972 and Bihar Minerals and Prevention of Illegal Mining Transportation Rule, 2003.

The allegation is regarding the accused persons engaging in illegal mining of sand and as far as the petitioner is concerned, his Poklan machine, which is used for excavating sand, was seized.

The learned counsel for the petitioner submits that the petitioner has taken the Poklan machine for his livelihood and



he gives the same on hire and keeps a driver for plying the same, however on the said date of alleged occurrence, the said machine was standing on the road and was not engaged in excavating sand. It is further submitted that the petitioner has a clean antecedent.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Danapur, Patna in connection with Bihta PS case no. 520 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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