

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30985 of 2018

Arising Out of PS.Case No. -5 Year- 2017 Thana -BIHTA District- PATNA

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Ajay Rai, son of Shivjee Rai, Resident of Main Road Lohardaga, P.S.-
Lohardaga, District- Lohardaga (Jharkhand).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 27-06-2018 Petitioner apprehends his arrest in connection with Bihta

P.S.Case No. 05 of 2017 registered for the offences punishable

under Sections 147, 149, 379, 120B of the Indian Penal Code and

under Sections 39, 40, 41 of Mining Act.

Allegation against the petitioner, who is driver of JCB
machine, is that he illegally extracted same beyond the prescribed
limit.

Submission of learned counsel for the petitioner is that as
a matter of fact the machine was out of order and he has falsely
been implicated in this case and other two co-accused have been
granted privilege of anticipatory bail vide orders dated 7.7.2017
and 1.8.2017 passed in Cr.Misc.Nos. 16759 of 2017 and
Cr.Misc.No. 17845 of 2017 respectively and petitioner is ready to



abide by any condition imposed on him and petitioner has no criminal antecedent.

Heard learned APP also.

Having heard both sides and in the facts and circumstances, let the petitioner, named above, in the event of his arrest or surrender be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Danapur, Patna, in connection with Bihta P.S.Case No. 5 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions are that one of the bailors shall be a local person having sufficient immovable properties within the jurisdiction of court concerned and further condition is that if petitioner is involved in such type of cases in future, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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