

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11907 of 2018

Arising Out of PS.Case No. -822 Year- 2017 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Kunal Kishor @ Kunal Kishore @ Kishore Kunal, Son of Brijnandan Singh, Resident of Village Tarupur, P.S. Hilsa, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Love Kush Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Hilsa P.S.**

Case No. 822 of 2017 instituted for the offence under Section 379 of the Indian Penal Code, Sections 4 and 40 of Bihar Minor Mineral Concession Rules, 1972 and Section 8 of Bihar Minerals (Prevention of Illegal Transportation and Storage) Act, 2003.

In the written report it is alleged that JCB driver was apprehended and stated that his owner directed him to extract the sand as per direction of the contractor Kishore Kunal (petitioner) and his Munshi Dharmendra Kumar.

Learned counsel for the petitioner has submitted that name of the petitioner has been taken by the driver of the JCB Machine who has been apprehended by the police excavating the



sand. The petitioner was not present on the spot.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Hilsa P.S. Case No. 822 of 2017**, 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 **learned Additional Chief Judicial Magistrate, 1st, Hilsa (Nalanda)**, 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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