

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20092 of 2019**

Arising Out of PS. Case No.-246 Year-2018 Thana- SHAHKUND District- Bhagalpur

MD. GULFAN Son of Md. Late Jamil, Resident of Mohalla-Bore Gaon,  
Dariyapur, Police Station-Shahkund (Sajour), District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf  
For the Opposite Party/s : Ms.Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      04-04-2019                      Heard learned counsel for the petitioner and learned APP  
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379,411/34 IPC and Rule 40 of Bihar Minor Minerals Concession Rule, 1972 and Rule 6/8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 registered in connection with Shahkund (Sajour) P.S. Case No. 246 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because the petitioner happens to be the owner of the subject tractor. The petitioner was not present at the place of occurrence and he has no concern with the seized sand. The tractor of the petitioner was found empty. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Bhagalpur, in connection with Shahkund (Sajour) P.S. Case No. 246 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:



- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

**(Vikash Jain, J)**

Chandran/-

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