

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39245 of 2019**

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

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SHEIKH SAJJAD, aged about 49 years, male, Son of Sk. Missa Resident of
Mohalla- Sikandarpur, P.S.- Mojahidpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Syed Masleh Uddin Ashraf, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 02-07-2019

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 of the Indian Penal Code,
Rule 40 of Bihar Minor Mineral Concession Rule, 1972 and Rule
6/8 of 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 on the accusation that he was the driver of the
subject tractor bearing no. Mahendra B 275 D1, Engine No.
RAFL02058. It is submitted that the said tractor was found empty
and the petitioner has no concern with the seized sand. The
owner of the tractor Md. Gulfan has been granted anticipatory
bail by this Court in Cr. Misc. No. 20092 of 2019. 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 Sub-Divisional Judicial Magistrate, 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 cooperate 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) That 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)

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