

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51743 of 2019

Arising Out of PS. Case No.-184 Year-2019 Thana- TEKARI District- Gaya

ADITYA KUMAR Son of Subhash Chandra Yadav Resident of Village-Urdu
Bazar Road, Asanandpur, Police Station-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Tekari (Panchanpur O.P.) P.S. Case No. 184 of 2019, disclosing the offence under Sections 379, 411 of the Indian Penal Code, Section 15 of the E.P. Act, Sections 4/21 of the M.M.(DR) Act, Section 4/40 of the B.M.M.C. Rule, 1972 and Rule 6 sub-rule-4/5(a)/5(c)/8(a) of the Bihar Mineral Prevention and Illegal Mining Transportation and Storage Rule, 2003.

Petitioner is admittedly the owner of a Hywa, which was found loaded with stone chips illegally mined.

It is submitted on behalf of the petitioner that his implication is only on the basis that he is registered owner of the vehicle. He contends that whereas the petitioner is resident of Bhagalpur, seizure of the Hywa was made at



Gaya. According to him, there is no material to disclose that it was within his knowledge that his vehicle was being utilised for illegal purpose. He has further submitted that, in any event, there is no chance of the petitioner fleeing from the course of investigation and the petitioner has no criminal antecedent.

Considering the above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya in Tekari (Panchanpur O.P.) P.S. Case No. 184 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

If any case is reported in future of similar nature, the prosecution shall be at liberty to apply before this Court



for cancellation of bail granted by virtue of the present
order.

(Chakradhari Sharan Singh, J)

Rajesh/-

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