

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54678 of 2019

Arising Out of PS. Case No.-647 Year-2018 Thana- BARACHATTI District- Gaya

RAMBALI PASWAN Son of Late Chandrika Paswan Resident of village-
Salaiya Amkola, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 02-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barachatti (Mohanpur) Police Station Case No. 647 of 2018, disclosing offences under Sections 4/21 of the Mines and Minerals (Development and Regulation) Act, 1957, Sections 4/40 of the Bihar Minor Mineral Concessions Rules and Sections 4, 5(a), 5 (c) and 8 (a) of the Bihar Minerals Prevention of Illegal Mining Transportation and Storage Rules, 2003.

The prosecution story, as per the First Information Report, is that the police raided near the Muhane River and found 50 tailors (5000 cft.) of sand on the land of one Manoj Singh, which was illegally stored for the purpose of business by the accused persons named in the First Information Report.



Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and the land from where sand was recovered also does not belong to the petitioner and the same belong to one Manoj Singh, as would be evident from the First Information Report itself. He further submits that the petitioner has not no criminal antecedent and his name has unnecessarily been dragged at the behest of other officials that the petitioner was helping the co-accused persons in the business of sand. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court by order, dated 07.08.2019, passed in Criminal Misc. No. 49469 of 2019.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is not named in the First Information Report and is having no criminal antecedent and no sand has been recovered from his premises and similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Rambali Paswan, in the event of his arrest or surrender before the Court below within four weeks, be



released on 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, Sherghati, Gaya, in connection with Barachatti (Mohanpur) Police Station Case No. 647 of 2018, subject to the condition 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 bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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