

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64202 of 2018

Arising Out of PS. Case No.-254 Year-2018 Thana- RAMNAGAR District- West Champaran

Anil Kumar Prasad S/o Late Bhagawat Prasad, resident of Village- Kharg
Pokhariya, Chanpatiya, P.S. Chanpatiya, District- West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr.Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 03-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 379 of the Indian Penal Code and under Rules 40, (4, 5, 7, 8) of the Bihar Miner and Mineral Concession Rules, 2003 and under Sections 3, 4, 6, 8 and 21 of Miner and Mineral (D & R) Act 1951 as well as under Section 15 of the Environment Protection Act registered in connection with Ramnagar P.S. Case No. 254 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happened to be the owner of one of the tractors. As a matter of fact, the said tractor was hired by the settlee for carrying sand. Similarly situated co-accused persons, namely, Munna Kumar, Raj Kumar Jha, Alok Kumar, Jai Shankar Prasad Singh @ Jai Shankar Pd. Singh, Dharendra Kumar Thakur, Momtaz Ahmad @ Mumtaj Ahmad, Bhargun Mahto @ Bhargun Mahto and Sugandhi Devi have been granted anticipatory bail by this Court on 14.12.2018 vide Cr. Misc. No. 66553 of 2018. The petitioner claims clean antecedents.



4. Having regard to the entirety of the facts and circumstances of the case, 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, Bettiah, West Champaran, in connection with Ramnagar P.S. Case No. 254 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with 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 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.

(iv) 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.

(Vikash Jain, J)

BT/Chandran

U			
---	--	--	--

