

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41104 of 2020

Arising Out of PS. Case No.-261 Year-2020 Thana- HISUWA District- Nawada

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1. Santosh Kumar, Son of Late Ram Lakhan Prasad Singh, Resident of Village/Mohalla - Bahadurpur, P.S. - Saare, District – Nalanda.
 2. Shashi Kumar, Son of Krishnandan Singh, Resident of Village/Mohalla - Bahadurpur, P.S. - Saare, District – Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-07-2021 Heard Mr. Arun Kumar, the learned Advocate for the petitioners and Ms. Sucheta Yadav, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Hisua P.S. Case No. 261 of 2020, dated 10.08.2020, instituted for the offences under Sections 379 of the Indian Penal Code, Section 21 of the Mines & Minerals (Development Regulation) Act, 1957, Section 15 of the Environment Protection Act, 1986 and Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining,



Transportation and Storage) Rules, 2019.

It has been submitted on behalf of the petitioners that during the pendency of this bail application, they have been given the privilege under Section 41-A of the Code of Criminal Procedure.

The prayer for grant of anticipatory bail is accordingly rejected.

However, regard being had to the aforesaid fact, this application is disposed off with a direction that in case the petitioners surrender before the Court below and seek bail, their application shall be considered on its own merits, especially taking into account that they were on police bail and have not misused the privilege of such bail all this while, and an order shall be passed without being prejudiced by the fact that the present anticipatory bail application on their behalf has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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