

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40717 of 2020

Arising Out of PS. Case No.-389 Year-2019 Thana- RAJAON District- Banka

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Gajendra Prasad Yadav, Son Of Kamleshwari Prasad Resident Of Village -
106 B.N.R.A.F Sundernagar, P.S. And District - Jamshedpur (Jharkhand) At
Permanent Resident Of Village - Nayadih, P.S. - Rajoun, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Mines and Mineral Department, Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad- Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-06-2021 Heard Mr. Brij Nandan Prasad, the learned Advocate

for the petitioner and Mr. Chandra Bhushan Prasad, the learned

APP for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Rajoun (Nawada Bazar) P. S. Case No.389 of
2019, instituted for the offences under Sections 147, 148, 149,
323, 353, 332, 286 of the Indian Penal Code and Section
40(i)BMMC Act, 1972.

The accusation against the petitioner is of having
participated in an occurrence where the informant was
prevented from discharging his duty of intercepting the tractors
which were being used for loading and transporting sand



extracted unauthorizedly.

The learned counsel for the petitioner has submitted that his prosecution in the instant case is only on the basis of the fact that the motorcycle registered in his name was found parked at that place.

This being the only reason for suspicion against the petitioner and that none of the tractors which were seized in the occurrence belongs to the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun (Nawada Bazar) P. S. Case No.389 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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