

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21434 of 2015

Arising Out of PS.Case No. -240 Year- 2014 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

=====

Birendra Prasad Gupta Son of Mahesh Prasad Resident of village -
Garhani, P.S. Garhani, District - Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Yogesh Chandra Verma, Adv Mr. Rajani
Kant Singh, Adv

For the Opposite Party/s : Mr. Arvind Kumar Pandey(App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-379, 411, 120B of the Indian Penal Code, Section-4 and 44 of the Mining Act and Sections-41, 42, 51, 52 and 33 of the Forest Act, this Court taking into account that the petitioner is only the owner of the truck and that such truck carrying stone chips has already been released to the petitioner under the order of this Court and that petitioner was also not found present at the time of seizure by the authorities, would be inclined to grant

the privilege of anticipatory bail to the petitioner.

That being so, if the petitioner namely, **Birendra Prasad Gupta**, surrenders within a period of four weeks from today, he would 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 **S.D.J.M., Bikramganj, Rohtas** in connection with **Bikramganj P.S. Case No. 240 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on

affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Ranjan/-
U

(Mihir Kumar Jha, J)