

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9953 of 2015**

Arising Out of PS.Case No. -381 Year- 2014 Thana -DIHRINAGAR District- SASARAM  
(ROHTAS)

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1. Sadhu Yadav @ Nagendra Singh Son of Sri Hari Krishna Singh Resident  
of village - Gopi Bigha, Police Station - Dehri, District - Rohtas

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajani Kant Singh

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

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR  
SINGH**

**ORAL ORDER**

3      26-08-2015                      Heard learned counsel for the petitioner and learned  
counsel for the State.

By way of filing an application under section 438 of  
the Code of Criminal Procedure, the petitioner seeks anticipatory  
bail in connection with Dehri (Town) P.S. Case No. 381 of 2014  
registered for the offences punishable under sections 379, 120-B  
of the Indian Penal Code and Section 4 (1-d), 21(1) of the D.E.  
Act, Section 40-1 of the Bihar Mining Act and Sections 33,41 and  
42 of the Indian Forest Act.

It has been contended that there is nothing on record  
on the basis of which it can be said that the petitioner was either  
owner of any crusher machine or was operating the crusher

machine at the relevant time. He was neither apprehended at the spot nor any incriminating article has been recovered from his house. The entire allegation levelled in the F.I.R. is based on hearsay evidence. Even during course of investigation, the Investigating Officer could not collect any legal and cogent evidence to connect the petitioner with alleged offence.

Learned counsel for the State has opposed the prayer for bail. He has submitted that at the time of raid, several persons ran away, and it was disclosed by the local people that the petitioner was one of them.

Regard being had to the nature of the offence and the defence taken by the petitioner, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas in connection with Dehri (T) P.S. Case No. 381 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

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