

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38614 of 2016

Arising Out of PS.Case No. -300 Year- 2016 Thana -SHERGHATI District- GAYA
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Jagan Yadav Son of Kameshwar Yadav, resident of Village Dobhi, P.S.
Dobhi, District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Ajit Kumar, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 384, 413, 414, 420, 120B, 406 of the Indian Penal Code, Sections 33 and 34 of the Forest Act and Sections 04 and 40 of the Bihar Minor Mineral Concession Rules, 1972 registered in connection with Sherghati (Dobhi) P.S. Case No. 300 of 2016.

3. It is submitted that the petitioner has been falsely implicated only on the confessional statement of co-accused Munna Kumar, being the driver of the truck in question from which the recovery of the stone chips was made. On the alleged date of occurrence, the petitioner was engaged in connection with the elections in which his wife was contending for the post of 'Pramukh'. It is stated that in any event, the stone chips were transported under valid challan (Annexure-4). It is further submitted that no doubt the petitioner has criminal antecedents, but he is on bail in all the cases. It is further submitted that the petitioner's case stands on a better footing than the co-accused Chandan Kumar who has been granted anticipatory bail by this

Court in Cr. Misc. No. 40528 of 2016.

4. Having regard to the entirety of the facts and circumstances, 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 provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Sherghati (Gaya) in connection with Sherghati (Dobhi) P.S. Case No. 300 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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 cooperate with the investigation 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.

(iv) 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.

(v) That the provisional anticipatory bail shall be confirmed upon verification of the genuineness of the challan (Annexure-4) to the satisfaction of learned Court below.

(Vikash Jain, J)

Chandran/BT

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