

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3580 of 2018

Arising Out of PS.Case No. -635 Year- 2016 Thana -BIHTA District- PATNA

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1. Akash Raj, Son of Raj Nath Rai, Resident of Village-Haldi Chhapra
Nayka Tola, P.O.+ P.S.-Maner, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naushad Akhtar

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends arrest in connection with Bihta
P.S. Case No.635 of 2016 registered for the offences under
Sections 147, 149, 379, 420, 120(B) of the Indian Penal Code
and Sections 39, 40 and 41 of the Mining Act.

It is alleged that Birendra Rai and Akhilesh Rai along
with other persons were excavating the sand from the place of
occurrence by Poklen Machine. The driver of the Poklen
Machine fled away and the Poklen Machine belongs to this
petitioner. As such, the petitioner was not present at the place of
occurrence. There is no specific allegation of overt act against
this petitioner. The other co-accused Niranjan Kumar has been
allowed bail by another bench of this Court in Cr.Misc.No.40432



of 2017 on 03.10.2017. The case of this petitioner stands on similar footing.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner in the event of arrest or surrender before the learned court below within six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the likewise amount each to the satisfaction of learned A.C.J.M., Danapur (Patna) in connection with Bihta P.S. Case No.635 of 2016, subject to the conditions as laid down under Section 438(2) of Cr.P.C., with further conditions that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

Harish/-

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(Sanjay Kumar, J)

