

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55989 of 2018

Arising Out of PS.Case No. -520 Year- 2017 Thana -BIHTA District- PATNA

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Lal Mohan Rai S/o Bhukhan Rai, R/o Ward No. 6, Near Mahavir Sthan,
Rambagh, Rambagh, District- Patna, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 406, 379, 120B of the Indian Penal Code, Section 4/21 of MMDR Act, 1975, Section 4/40 of Bihar Mines Mineral Concession Rule, 1972 and Section 8 of Bihar Minerals and Prevention of Illegal Mining Transportation Rules, 2003 registered in connection with Bihita P.S. Case No. 520 of 2017.

3. It is submitted that the petitioner has been falsely implicated on the extra judicial confessional statement of accused persons, who were apprehended at the spot. The petitioner is said to be driver of one of the Poklen Machines, which were being used



to load illegal sand on boats. Similarly situated co-accused as well as the owners of Poklen Machines have been granted anticipatory bail by this Court in Cr. Misc. No. 49634 of 2017, Cr. Misc. No. 51161 of 2017, Cr. Misc. No. 51436 of 2017, Cr. Misc. No. 50512 of 2017, Cr. Misc. No. 53890 of 2017, Cr. Misc. No. 54089 of 2017, Cr.Misc. No. 20375 of 2018 and Cr. Misc. No. 50258 of 2017. The petitioner claims clean antecedent.

4. Having regard to the entirety of the facts and circumstances, as such, 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 bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Danapur, in connection with Bihta P.S. Case No. 520 of 2017, 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 co-operate with the



investigation, if not already concluded, 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) 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.

(Vikash Jain, J)

N.H./- Chandran

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