

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2416 of 2019

Arising Out of PS. Case No.-98 Year-2018 Thana- CHANDI District- Bhojpur

Kamlesh Chandra Jaiswal, son of Shri Bhagwati Prasad, Resident of Village-
Batarthpur, Police Station- Shahpur, District- Gorakhpur (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vindhya Keshri Kumar, Sr. Advocate Mr. Ajay Kumar Singh, Advocate
For the Opposite Party	:	Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 420, 467, 468, 471, 379 and 34 of the Indian Penal Code and Sections 21(1), 21(4) of the M.M. D.R. Act, Rule 40(8) of B.M.M.C. Rule 1972, Sections 8(a) and 8(b) of Bihar Minerals Rule; and Section 15 of Environment Protection Act registered in connection with Chandi P.S. Case No. 98 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the owner of three trucks which were found loaded with sand. It is submitted that the trucks in question had been hired by Santosh Kumar Singh, who was carrying on sand business and with whom the petitioner has no concern. The petitioner claims clean antecedents.

4. Be that as it may, 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



Additional Chief Judicial Magistrate-12, Ara in connection with Chandi P.S. Case No. 98 of 2018, G.R. No. 3758 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of the petitioner shall be a close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) 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.

(iv) That the petitioner shall cooperate 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.

(Vikash Jain, J)

BT/Chandran

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