

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31555 of 2019**

Arising Out of PS. Case No.-61 Year-2019 Thana- HARNAUT District-
Nalanda

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JITENDRA SINGH @ DABAL SINGH @ JITENDRA KUMAR @ JITENDRA KUMAR SHARMA, aged about 45 years, male, Son of Late Balram Sharma @ Balram Singh Resident of Village and P.O-Poari, P.S-Harnaut, District-Nalanda, (Owner and Driver of J.C.B. at present LCT Ghat near Radha Compound Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Hansraj, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379 of the Indian Penal Code, 4, 21 M.M. (DR) Act 1957, 4, 40, B.M.M. Rules 1972 and 4, 5(a), 5(c), 8(a) of Bihar Mineral Prevention Illegal Mining Transporttion of Storage Rules, 2003 registered in connection with Harnaut P.S. Case No. 61 of 2019.

3. It is submitted that the petitioner has been falsely implicated on the accusation of illegal cutting of soil as the petitioner happens to be the owner of the J.C.B. It is submitted that the F.I.R. has been instituted in retaliation to the earlier public complaint filed before the Lok Shikayat Nivaran, Biharsharif who is the informant, Circle Officer. The petitioner has also filed P.I.L. against the action of the informant in C.W.J.C. No. 24264 of 2018. 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 Chief Judicial Magistrate, Nalanda in connection with Harnaut P.S. Case No. 61 of 2019, 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, 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) 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.

(Vikash Jain, J)

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