

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77111 of 2018

Arising Out of PS. Case No.-51 Year-2016 Thana- SAHODARA District- West Champaran

Shekh Nasim @ Sk Nasim S/o Late Shekh Mustafa, Resident of Village-
Parsauni, P.S.- Sahodara, District- West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate
For the Opposite Party : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 379/420 of the Indian Penal Code, Sections 33, 41 and 42 of the Indian Forest Act and Section 4(i)/40(X) of the Bihar Minor & Mineral Act registered in connection with Sahodara P.S. Case No. 51 of 2016.

3. It is submitted that the petitioner has been falsely implicated as evident from the very fact that no seizure list has been prepared with respect to any incriminating articles and equipment found on the spot to support the allegation of illegal mining indulged in by the petitioner. The petitioner has neither been arrested on the spot nor any independent witnesses have come forward to support the prosecution case. The petitioner is accused in seven other prior cases and the statement is made at the Bar that the petitioner is on bail in all such cases.

4. Having regard to the entirety of the facts and circumstances of the case, 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, Bettiah, West Champaran, in connection with Sahodara P.S. Case No. 51 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with 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 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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