

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38639 of 2019**

Arising Out of PS. Case No.-18 Year-2018 Thana- NARALI KALA KHURD
District- Aurangabad

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DINESH YADAV @ DINESH KUMAR, aged about 33 years, male, Son of
Rama Shankar Resident of Village/ Mohalla- Patana Payaro Patati, P.O.
and P.S.- Pakerpur Karanudikala, District- Sultanpur (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shailesh Kumar Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-07-2019 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 registered in
connection with Narari Kala Khurd P.S. Case No. 18 of 2018.

3. It is submitted that the petitioner has been falsely
implicated at the instance of private informant alleging that the
driver of the truck no. W.B 83E 3763 had taken away the seized
truck loaded with illegal sand. It is submitted that as a matter of
fact no such seizure was made and there is no document to
support the seizure as evident from the letter of the Mines
Development Officer, Aurangabad dated 18.04.2019 (Annexure-
2). The petitioner is not named in the F.I.R. and except suspicion,
there is no objective material to connect the petitioner with the
alleged occurrence. 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, Aurangabad in connection with Narari Kala Khurd P.S. Case No. 18 of 2018, 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)

Ibrar/BT

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