

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41766 of 2019

Arising Out of PS. Case No.-8 Year-2016 Thana- BADHAILA District- Rohtas

CHANDAN SINGH @ CHANDAN KUMAR SINGH @ CHANDAN
KUMAR Son of Late Suresh Singh @ Suresh Prasad Singh Resident of
Village - Tetrar, P.S.- Akorhi Gola, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-07-2019

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 IPC and 40 of the Bihar Mines Act registered in connection with Baghaila P.S. Case No. 8 of 2016.

3. It is submitted that the petitioner has been falsely implicated on the accusation that a brick kiln was being run without payment of required amount of Rs. 74,500/- for the year 2014-15 to the Mines Department and thus there is theft of soil. It is submitted that the petitioner is not the owner of the brick kiln which belongs to one Sunil Kumar Singh. In any event it is submitted that the petitioner has subsequently paid the royalty amount of Rs. 74,500/-. The petitioner claims clean antecedents.

4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned ACJM-VIII, Sasaram, Rohtas in connection with Baghaila P.S. Case No. 8 of 2016 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.

(v) That the petitioner shall produce the original receipt for Rs. 74,500/- towards payment of royalty to the Mines Department before the learned Court below within a period of four weeks hereof.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification of the original receipt for Rs. 74,500/- towards payment of royalty to the Mines Department within a further period of four weeks after furnishing bail bond. In case the petitioner's claim fails on verification, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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