

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54737 of 2019**

Arising Out of PS. Case No.-44 Year-2019 Thana- MAHISHI District-
Saharsa

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SANJAY YADAV, aged about 30 years, male, Son of Ramchandra Yadav
Resident of Village-Baghwa, P.S.-Jalai, District-Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate.

For the Opposite Party: Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 30-08-2019 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 and 40(iv)
(v)(viii) and Bihar Mineral Rule 6(4) and Section 15 Environment
Act registered in connection with Mahishi (Jalai O.P.) P.S. Case No.
44 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of a dispute between the petitioner's
side and Mukesh Yadav and his family members at whose
instance the present F.I.R. has been lodged. It is stated that Title
Suit No. 70 of 2018 is going on in the Court of Sub-Judge, First,
Saharsa in which the father of the petitioner is co-plaintiff while
the father of the said Mukesh Yadav is defendant no. 8. The
petitioner's side has also lodged F.I.R. in Mahishi (Jalai O.P.) P.S.
Case No. 48 of 2019 against the informant's side (Annexure-3). It
is submitted that the accusations are not corroborated in absence
of recovery of the soil said to have been illegally mined by the



petitioner. Except two cases in which the petitioner has been made accused at the instance of the informant's side, 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 Sub-Divisional Judicial Magistrate, Saharsa in connection with Mahishi (Jalai O.P.) P.S. Case No. 44 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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