

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31325 of 2020

Arising Out of PS. Case No.-97 Year-2019 Thana- KADIRGANJ District- Patna

UDAY YADAV @ UDAY PRASAD Son of Dularchand Prasad Residen of
Dularbigha, P.S.- Kadirganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Kadirganj PS Case No. 97 of 2019 registered under Sections 379 and 411 of the IPC, Sections 4/40 of the BMMC Rules 1972 and Sections 3, 6, 8 of B.M. (Prevention of Illegal Mining, Transportation and Storage) Rule 2003.

Allegation against the petitioner and co-accused persons is of illegal stocking and holding of sands upon its illegal mining.

Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has been made accused in this case by the police at the instance of local people out of enmity. Nothing incriminating material has been recovered from the possession of the petitioner and the alleged place of



occurrence is a public place for which the petitioner cannot be made responsible. Learned Counsel for the petitioner further submits that co-accused Raju Yadav has been granted anticipatory bail by this Court in Cr. Misc. No. 732 of 2020.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Gauri Shankar, Judicial Magistrate, 1st Class, Masaurhi, Patna in Kadirganj PS Case No. 97 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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