

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36951 of 2020

Arising Out of PS Case No.-256 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Shimpu Sharma, aged about 25 years Male, Son of Ganesh Sharma, House No.-127, Ward No.-13, G.T. Road, Mohania, PS-Mohania, District-Kaimur (Bhabhua).
2. Anmol Kumar, aged about 20 years Male, Son of Shambhu Nath Tiwari Resident of Village-Luli, Post-Sabar, Kharsota, PS-Rampur, District-Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 02-02-2021

Heard Mr. Sumeet Kumar Singh, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (APP) for the State.

2. The petitioners apprehend arrest in connection with Mohania PS Case No. 256 of 2020 dated 27.08.2020, instituted under Sections 409, 419, 420, 414 and 120B of the Indian Penal Code.

3. The allegation against the petitioners and others is that in lieu of money they used to ensure passing of vehicles loaded with illegally mined sand from one district to the other and also from Bihar to UP.



4. Learned counsel for the petitioners submitted that the main role has been assigned to others but against the petitioners it is said that they also used to line-up the vehicles and facilitate in the exercise. It was submitted that the petitioners have no other criminal antecedent.

5. Learned APP submitted that the petitioners are part of a well-organized gang indulging in such illegal activity.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Mohania, District-Kaimur in Mohania PS Case No. 256 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or



influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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