

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6249 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- DURAULI District- Siwan

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BINOD UPADHYAY, Son of Late Prithvi Nath Upadhyay, Resident of
Village - Melhani, P.S.- Darauli, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Darauli P.S. Case No. 117 of 2020 registered

for the offence punishable under Section 379 of the Indian Penal
Code, MMDR ACT, 1957 21(4), BMMC Rules 1972, Section
40(4) of Bihar Mineral Prevention of Illegal Mining
Transportation and Storage Act, 2003 and Section 6(4) and 8(a).

Petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that the

petitioner is alleged to have been involved in selling the sand



after storing the same by committing theft.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that no stolen sand or any equipment or vehicle has been seized from possession of the petitioner and there is no seizure list with the F.I.R.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the uncontroverted submission of learned counsel for the petitioner that no stolen sand or any equipment or vehicle has been seized from possession of the petitioner and there is no seizure list with the F.I.R., this Court directs that the petitioner above-named in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Shri Pooja Arya, learned Judicial Magistrate 1st Class, Siwan in connection with Darauli P.S. Case No. 117 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

