

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18986 of 2022

Arising Out of PS. Case No.-385 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

Rakesh Tiwary S/O Kedar Nath Tiwary Resident Of Village- Chaktulla, P.S.-
Minapur, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivek Anand Amritesh
		Mr. Sumit Kumar
For the Opposite Party/s	:	Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 188,
447, 379 of the Indian Penal Code and Sections 40(8), 49 of the
Bihar Minor Mineral Concession Rules.

The learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the informant, who is
Circle Officer, alleges that on 05.08.2017, a raid was conducted
from 11.00 A.M. to 2.30 P.M. by the S.D.O. and S.D.P.O.,
Hajipur along with police force against illegal sand storage in
which, nine accused persons including the petitioner were
implicated on the ground that the raiding team alleged that the
illegal sand belongs to the accused persons including the
petitioner.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that even the F.I.R. is cryptic and vague. It is next submitted that it absolutely does not stand to reason that as to on what bases the raiding team came to know that the sand belongs to the accused persons including the petitioner when admittedly from the F.I.R., it is not clear nor it is remotely suggested that on inquiry, the raiding team came to know about the accused persons. It is next submitted that it is very easy to implicate in the manner in which, the present F.I.R. has been instituted.

Learned A.P.P. opposes the bail application and submits that the case is of the Year 2017 and the petitioner at his leisure has moved this Court for seeking anticipatory bail application.

The learned counsel for the petitioner rebuts the submission and submits that the petitioner was completely unaware that any case has been instituted against him. It is also submitted that till date, no process under Section 82 of the Cr.P.C. has been issued.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hajipur Sadar P. S. Case No.385 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds shall verify whether any process under Section 82 of the Cr.P.C. has been issued against the petitioner or not. In the event, if no process under Section 82 of the Cr.P.C. has been issued against the petitioner, then the present order shall be given effect and in the event, if it is found that process under Section 82 of the Cr.P.C. has been issued against the petitioner, then the present anticipatory bail order shall not be given effect.

(Satyavrat Verma, J)

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