

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30532 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

SANTOSH KUMAR S/o Sikandar Prasad Singh @ Sikandar Mandal
Resident of Village- Tahsur, P.s.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 379 and 411 of the Indian Penal Code and Section 56 of the B.M.M.C. Rule, 2019.

The prosecution case, in brief, is that the police raided near Tahsur river and found sand loaded Tractor near river and one person was arrested from place of occurrence who disclosed his name as Santosh Kumar and after weighing Total 17,850 Sq. Ft. of sand causing loss of Government revenue of value of Rs. 9,44,975/- and fine of Rs. 10,000/- was caused and



one motorcycle was also recovered.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case on the basis of suspicion. As per FIR, allegation against the petitioner is that he was involved in the illegal mining. Further submits that Section 56 of the B.M.M.C. Rule is not attracted against the petitioner because the petitioner is not involved in the business of mining. Further submits that nothing has been recovered from conscious possession of the petitioner. Further submits that the petitioner is neither the driver nor the owner of the Tractor and Motorcycle in question. In fact the driver and owner of the Tractor and Motorcycle have already been granted bail by the learned court below itself and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below



where the case is pending in connection with Jagdishpur
P.S.Case No.66 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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