

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41230 of 2022

Arising Out of PS. Case No.-533 Year-2021 Thana- GHOSI District- Jehanabad

1. NIRAJ KUMAR S/o- Shatrudhan Sharma Resident of Village - Parawan, P.S.- Ghoshi, District - Jehanabad.
2. Subodh Kumar @ Sibodh Kumar S/o- Suresh Yadav R/o Village- Thikraur, Parawan, P.S.- Ghoshi, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Haridayal Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

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.

The petitioners apprehend their arrest in a case registered for the offence under Sections 379 and 411 of the Indian Penal Code.

The case relates to recovery of one tractor loaded with 100 cft sand and the petitioners are said to have involved in the alleged transportation of sand.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated



in this case. He further submits that it appears from the F.I.R. itself that the driver and the owner of the alleged vehicle have violated the provisions of Bihar Mines and Mineral Act and caused financial loss of Rs. 30,625/- to the Government exchequer. He, however, further submits that the petitioners have already deposited the amount of fine of Rs. 30,625/- as alleged in the F.I.R. in the office of the competent officer, District Mining Office, Jehanabad after the institution of the present F.I.R. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner No.1, who happens to be owner of the truck, is having two more cases other than the present one whereas the petitioner No.2, who is driver of the alleged tractor, bears the clean antecedents.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ghoshi P.S. Case No. 533 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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