

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45482 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- AMARPUR District- Banka

BIKASH YADAV @ BIKKA YADAV @ BIKAR YADAN @ BIKKA
YADAN Son of Govind Yadav Resident of Village - Dighipokhar, P.S. -
Amarpur, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Director, Department of Mines and Minerals, Govt. of Bihar, Patna.
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with
Amarpur P.S. Case No. 68 of 2022 registered for the offences
punishable under Sections 147, 149, 341, 342, 186, 332, 333,
353, 379, 411 of the Indian Penal code read with Section 4(1)/22
of the MMDR Act and Section 56 of Bihar Minerals Concession
Prevention of Illegal Mining Transportation & Storage Rules,
2019.

As per prosecution case, the informant with his



team conducted raid at Dighipokhar Bangali Tola and intercepted three 10 wheeler trucks carrying illegal sand. It is further alleged that the petitioner alongwith 8 others and 4-5 unknown assaulted the informant causing injury and took away two trucks from possession of the informant. It is also alleged that during the assault, the petitioner and others tried to snatch the mobile of the informant and also tried to take him away by a Dzire Car but the SHO of Amarpur with his team arrived there and nabbed a miscreant on spot and his car, whereas others managed to flee away from spot.

Learned counsel for the petitioner submits that petitioner is in custody since 15.06.2022. Petitioner bears one criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not apprehended on spot. Petitioner has been dragged in this case by the informant at the instance of ill motivated persons of the locality. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is neither the driver nor owner of the trucks nor connected with the illegal sand. Petitioner is innocent and has falsely been implicated in this case on the basis of suspicion.



There is no iota of evidence to connect the present petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 68 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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