

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57977 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- SIKARPUR District- West Champaran

KAMLESH KUMAR Son of Surendra Mali Resident of village - Pokharia
Ray, West Champaran, P.S.- Chanpatia, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Shukla, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offence under Sections 379 of the Indian Penal Code and Rule 21 of the MM (D&R) Act, 1957 and Rule 11, 41 & 56 of B.M. (CPIMTS) Rule 2019.

The case relates to illegal mining from Hargodwa river and three tailors loaded with white sand along with a JCB are seized.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that in fact the petitioner happens to be



driver of the JCB machine in question and he has got no concern with the alleged illegal mining. His role was confined to drive the JCB according to the owner of the JCB. He further submits that the co-accused, Ashok Bhagat, who happens to be owner of the alleged JCB has already been granted anticipatory bail vide order dated 30.08.2022 passed in Cr. Misc. No. 52122 of 2021 by a co-ordinate Bench of this Court. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shikarpur P.S. Case No. 241 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 canceled 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.

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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