

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67971 of 2021

Arising Out of PS. Case No.-434 Year-2021 Thana- SHERGHATI District- Gaya

SURENDRA KUMAR SUMAN @ BHAGAT YADAV Son of Bhimdeo Prasad Yadav @ Bhim Dev Yadav Resident of Village - Singh Pokhar, P.s.- Dobhi, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 379 of the Indian Penal Code, section 56 of B.M. (CPIMTS) Rules 2019 and section 15 of the Environment Protection Act.

As per the prosecution case, the informant states that 1,10,000 cubic feet of sand was found to have been illegally extracted. On enquiry it transpired that the same was done by the two named accused persons including the petitioner herein. A total of Rs. 49,60,000/ of revenue had been lost by the State.

It is submitted by learned Senior counsel appearing for the petitioner that the petitioner has been falsely implicated



in the case. There is no material to connect him with the alleged crime. The petitioner is in custody since 25.10.2021 and chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State who submits that a heavy amount of Rs.49,60,000/- has been lost by way of revenue by the State.

In response it is submitted by learned Senior counsel appearing for the petitioner that as per the allegations in the FIR together with the material that has transpired in course of investigation it has come that four accused persons including the petitioner are responsible for the same. Although not admitting the same, it is submitted that the petitioner is ready to deposit 25% of the said amount ie total of Rs. 12.40 lacs in four equal installments for the purpose of bail.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the period in custody being 6 months and investigation in the case having concluded, the Court directs the petitioner to be enlarged on bail in connection with Sherghati (Dhobhi) P.S. Case no. 434 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sherghati, District Gaya, subject to the following conditions:



(1) The petitioner shall deposit a total sum of Rs.12.40 in four equal installments in the Mining Department.

(2) On deposit of the first installment and on production of the receipt thereof and on furnishing of the above mentioned bail bond, the petitioner shall be released from the custody.

(3) The other three installments shall be deposited by the petitioner on or before 31.7.2022, 30.9.2022 and 30.11.2022.

(4) In case the receipt of deposits are not filed in the learned trial Court within 10 days of the last date of deposit, the learned trial Court will proceed to cancel the bail bond of the petitioner and take him into custody.

(Partha Sarthy, J)

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