

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16241 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- AMARPUR District- Banka

RITESH KUMAR RAY Son of Ramcharitra Ray R/V- Bahadurpur, P.S.-
Kajraili, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Department of Mines and Geology, Govt. of Bihar, Patna, Through its
Secretary Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Amarpur P. S. Case No. 342 of 2022, registered for the

offences punishable under Sections 420, 467, 468, 471 and

34 of the Indian Penal Code.

As per allegation, the petitioner and his associates

were indulged in illegal mining of sand. It is further alleged

that the owner of the tractor prepared forged document of

Mines Department, Banka without depositing loss/fine

amount in regard to the minerals carried by tractor and



produced the same before the Court concerned.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is ready to deposit Challan amount of Rs. 45,213/- to the concerned Mines and Geology Department.

He further submits that the petitioner has been languishing in jail since 02.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one more case, in which he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Banka, in connection with Amarpur P. S. Case No. 342 of 2022, subject to the condition that the petitioner will deposit an amount of Rs. 45.213/- and as a proof, he will file original copy of the receipt along with the bail bonds and also on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds



of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

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