

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17169 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Labh @ Labha @ Labh Kumar @ Kishor Yadav Son of Chhathu Yadav R/V-
Kola Khurd, P.s-Jagdishpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Vivek, Advocate Mr. Rang Nath Pandey, Advocate Mr. Debesh Kumar Poddar, Advocate
For the Opposite Party/s :		Mr. Shyameshwar Dayal, APP
For the Dept. of Mines :		Mr. Nevesh Dixit, Advocate Mr. Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioner, learned
counsel for the Department of Mines and learned Additional
Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
21.10.2022 in connection with Jagdishpur P.S. Case No. 366 of
2022, F.I.R. dated 18.08.2022 for the offences punishable under
Sections 341, 353, 379 and 411/34 of the Indian Penal Code and
Section 56(i)/56(ii) of Bihar Minerals (Concession, Prevention
of illegal Mining, Transportation & Storage) Rule- 2019.



According to prosecution case, 7-8 persons were started blowing lathi and bamboo on the police force while they were demanding the documents of tractor loaded with sand and all the accused persons manage to escape from the place of occurrence but one Rohit Kumar (driver of another tractor) was handed over to the police and he disclosed the names of anti-social elements.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the petitioner is neither the owner of any tractor nor the driver of the vehicle in question. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 2 criminal antecedents other than the present one.



Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 366 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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