

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17163 of 2023

Arising Out of PS. Case No.-1842 Year-2017 Thana- SASARAM MUFFSIL District- Rohtas

Mela Bind @ Ajeet Kumar Son Of Tileshwar Bind @ Tilarak Bind @
Tileshwar Ram Resident of village - Adamapur, P.S. - Sasaram (M), Distt. -
Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer, Rohtas (sasaram) Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nand Kishore Singh, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP
For the Dept. Mines	:	Mr. Naresh Dixit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 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
14.12.2022 in connection with Sasaram (Muffasil) P.S. Case No.
1842 of 2017, F.I.R. dated 11.012.2017 for the offences
punishable under Sections 147, 148, 149, 323, 333, 307, 353,
427, 379 and 411 of the Indian Penal Code and Section 33, 42
and 42 of the Indian Forest Act.

According to prosecution case, all the accused persons



including the petitioner armed with weapons started stone pelting which results into the injury of driver of the tractor and to one Vimlesh Kumar who is homeguard. It is further stated that the departmental vehicle was also damaged during the said incident.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner has falsely been implicated in this case due to some village politics and the petitioner was not present at the place of occurrence and he was not arrested at the spot. He further submits that the petitioner was never involved in stone or chips business. It appears from the F.I.R. that there is no specific allegation alleged against the petitioner and he is neither the owner of the tractor nor the said stone chips. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused has been granted anticipatory bail by the learned Court below vide A.B.P. No. 306/18 and B.P. No. 6/2018, 7/2018, 8/2018, 15/2018 and 16/2018. The petitioner is in custody since 14.12.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

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, Rohtas (Sasaram) in connection with Sasaram (Muffasil) P.S. Case No. 1842 of 2017, 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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