

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28983 of 2023

Arising Out of PS. Case No.-403 Year-2020 Thana- WARISLIGANJ District- Nawada

Shital Yadav Son Of Lalo Yadav @ Lala Yadav R/O Village- Bhagwat Bigha,
P.S.- Warisaliganj, District- Nawada Petitioner/s

Versus

1. The State of Bihar
2. The Mining Department Through Its Mineral Secretary, Govt. Of Bihar,
Patna Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal,. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-10-2023 Heard Mr.Sheo Kumar Prasad, learned counsel for
the petitioner and Mr.Shyameshwar Dayal, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Warsaliganj P.S. Case No.403 of 2020, FIR dated 03.12.2020 registered for the offences punishable under Section 379 of IPC and Sections 4,4A of the MM(DR) Act, 1957.

3. Allegation against the petitioner is that he alongwith others illegally stored the sand worth 2200 cft causing loss of worth Rs.69,672/- of the Bihar Govt.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. As per FIR, due to the present occurrence, the Govt. has lost revenue of Rs. 69,772/- by the petitioner and other co-accused persons in



the department. Further submits that the name of the petitioner has been disclosed by the local people and even the prosecution has not disclosed that who has disclosed the name of the petitioner but on instruction the petitioner is ready to deposit Rs.25,000/- in favour of the Mines Department by way of demand draft and he shall produce the said demand draft at the time of furnishing his bail bond.

5. Learned APP for the State submits that the petitioner carries three more cases other than the present one in which he is on bail in all the pending cases.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the 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 J.M.1st Class, Nawada in connection with Warsaliganj P.S. Case No.403 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) The petitioner shall deposit Rs. 25,000/- by way of demand draft in favour of the Mines Department at the time of



furnishing bail bond and the learned court below is directed to hand over the said demand draft to the Mines Department or his representative.

(II) 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 bonds shall be cancelled by the Court below.

(III) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) 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/her criminal antecedents, 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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