

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55457 of 2023

Arising Out of PS. Case No.-284 Year-2022 Thana- BARUN District- Aurangabad

SIKENDRA KUMAR SON OF KAMATA SINGH RESIDENT OF
VILLAGE SHEIKHPURA PS BARUN DIST AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr. Binod Kumar Pandey, learned counsel for
the petitioner and Mr. Shyameshwar Dayal, learned APP for the
State.

2. The petitioner is apprehending his arrest
connection with Barun P.S. Case No. 284 of 2022, F.I.R. dated
06.07.2022 registered for the offences punishable under Sections
379/411 of the Indian Penal Code, Sections 4 and 21 of MMDR
Act, 1957 and also Rules 11, 43 of Bihar Minerals Act, 2019 and
Rule 56 of the Bihar Minerals Amendment Act, 2021 and Section
15 of the Environment Protection Act, 1986..

3. Allegation against the petitioner is of illegal mining,
storing and supplying of sand at Dhamni Ghat at the Bank of Sone
river and during the raid several vehicles i.e. trucks, cars, bikes
and including the petitioner's bike was found there and seeing



the raiding party the owners of the aforesaid vehicles fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact the motorcycle seized by the prosecution, the petitioner is the valid owner of the seized motorcycle bearing Registration No. BR 26K-9256 and he had produced the certificate registration which suggests that the motorcycle in question is registered in the name of the petitioner. He further submits that the other co-accused person namely Vinod Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 10.01.2023 passed in Cr. Misc. No. 61631 of 2022.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Aurangabad in connection with Barun P.S. Case No. 284 of 2022, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and with other 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 witness, 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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