

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47011 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- SHAHKUND District - Bhagalpur

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Gautam Bind @ Gautam Singh S/o Late Bandu Bind @ Badhu Bind R/o
village- Damodarpur, P.S.- Shahkund, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Davendra Kumar Pandey, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Shahkund P.S. Case No. 29 of 2022, registered
for the offences punishable under Section 379 of the Indian
Penal Code and Section 56 of the Bihar Mining Transport and
Storage Rules, 2019.

Allegedly, in course of inspection the informant
(Mining Inspector) found that illegal mining of soil was being



carried out by the petitioner unauthorizedly, causing loss of Government revenue to the tune of Rs.1,06,525/-.

Learned counsel appearing on behalf of the petitioner submits that so far the allegation is concerned, all the offences are triable by the Magistrate, apart from the fact that the petitioner was not indulged in the unauthorized excavation of soil, but only on account of his past criminal antecedent his name has been implicated in this case. He further submits that the petitioner has already deposited the loss caused to the government revenue amounting to Rs.1,06,525/- by Challan, the copy of which has been brought on record by way of Annexure-2. He next submits that in fact due to inadvertence before the court below, the particulars of earlier case could not be mentioned, which resulted into rejection of the prayer for bail of the petitioner, which was not intentional. He lastly submits that now the petitioner is in custody for over a period of more than eight months.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the petitioner has already deposited the amount of



Rs.1,06,525/-, which is said to be loss of the government revenue, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – II, Bhagalpur, in connection with Shahkund P.S. Case No. 29 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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