

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52552 of 2023

Arising Out of PS. Case No.-33 Year-2018 Thana- SAHODARA District- West Champaran

Sk. Arman @ Arman Skeikh Son Of Late Ali Hasan @ Late Hussain Resident
Of Village- Ekwa Parasuni, P.S.- Sahodara, Dist- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379 & 34 of the Indian Penal Code read with Section 4/40 of Bihar Minor Mineral Concession Rule, 1972.

3. As per the prosecution, the F.I.R. has been lodged against 6 named accused persons.

4. Counsel for the petitioner submits that antecedent of the petitioner is clean and he has been made accused in this case in the year 2018 itself and he was completely unaware, therefore, he could not move earlier.

5. Counsel further submits that the other co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 10.08.2018 passed in Cr. Misc. No. 46672 of 2018 (Annexure-3). Counsel submits that there is no specific rule assigned in the F.I.R..

6. Learned APP for the State opposes the prayer for bail and submits that petitioner has written in his petition that till date, Section 82 & 83 of Cr.P.C., processes have not been issued against the petitioner.

7. In the facts and circumstances., let the above-named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran/ Successor Court, in connection with Sahodara P.S. Case No.33 of 2018 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. It is directed to the trial court when the petitioner shall surrender that he shall verify from record that whether Section 82 & 83 of Cr. P.C. processes have been issued or not: if this processes have been issued prior to the date of bail, then in that case, the petitioner shall not be released, but if the said processes have not been issued then in that case, he shall be released.

(Dr. Anshuman, J.)

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