

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55635 of 2023

Arising Out of PS. Case No.-243 Year-2023 Thana- WAJIRGANJ District- Gaya

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1. Nawal Kishor Yadav @ Nawal Kisor Yadav S/O Chanardhan Yadav @ Janardan Yadav At Present Residing At Village- Bantara Tola, Andho Bigha, P.S- Devkund, Distt.- Aurangabad (BIHAR), Permanent Residing Of Saliwaka Mahabir Sthan, Shiwalibadi Kalimati, P.S- Kumardhubi, Dhanbad, Jharkhand.
 2. Bablu Kumar @ Srikant Kumar S/O Late Laldeo Yadav R/O Village- Bandeya, P.S- Bandeya, Distt.- Auranabad (BIHAR).

... .. Petitioner/s

Versus

1. The State Of Bihar Patna High Court
2. The Director of Mines & Minerals Department, Govt. of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Shyameshwar Dayal
For the Opposite Party/s	:	Mr. Naresh Dixit, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Manoj Kumar, learned counsel for the petitioners, Mr. Naresh Dixit, learned counsel appearing on behalf of the Mines Department as well as Mr. Shaymeshwar Dayal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Wajirganj P.S. Case No. 243 of 2023, F.I.R. dated 02.05.2023 for the offences punishable under Sections 411, 414 and 34 of the Indian Penal Code, Section 4(A) of MM (D&R) Rule 1957, Rule 2019 Section 11/18 and MM (D&R) Rule 2022 Section 56 Act.



3. According to prosecution case, these petitioners used to make theft of stone chips and transport it in an unauthorized manner to the other State.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the petitioners have carried the stones in question after obtaining the necessary permission from the Mines Department and also paid requisite fees by way of Chalan to the Mines Department. He further submits that in view of the aforesaid, no case is made out against these petitioners.

5. The learned counsel appearing on behalf of the Mines Department as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that although the petitioners have produce the chalan but learned counsel for the Mines Department is not in a position to inform this Court whether the chalan is valid or not and for the same purpose he has also been granted time on 08.11.2023.



6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Gaya in connection with Wajirganj P.S. Case No. 243 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. 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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