

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59606 of 2022

Arising Out of PS. Case No.-110 Year-2021 Thana- GHOSI District- Jehanabad

VIKASH KUMAR Son of Vinod Sharma R/V- Dhuriyari, P.S- Ghosi, Dist-
Jehanabad Petitioner/s

Versus

1. The State of Bihar
2. Competent Officer, Mining Officer, Jehanabad Dist- Jehanabad Bihar
... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Ghosi P.S. Case No. 110 of 2021 for the offence registered under Sections 379 and 411 of the Indian Penal Code.

As per the prosecution story, the District Mining Officer, Jehanabad lodged a written report alleging that 2500 CFT of sand was found stored illegally by the petitioner. As the sand business without authority is not permissible, accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he do not have criminal antecedent and since an allegation has come although he is in the said business after getting valid 'chalan', is ready to pay Rs. 90,500/- through Demand Draft issued by the local State Bank of India branch to be submitted before the



'NAZARAT' of concerned Court to be handed over to the competent official of Mining after checking the credentials which may be returned, if he finally gets acquittal in the present case.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail but concedes that now he is ready to pay the amount, the relief can be extended to him.

Considering all the aforesaid facts as also that the petitioner do not have criminal antecedent and will have to face the music, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 90,500/- as stated above with liberty to get it released if the petitioner finally gets acquitted.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No. 110 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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