

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63659 of 2022

Arising Out of PS. Case No.-406 Year-2022 Thana- KOILWAR District- Bhojpur

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1. KRISHNA SINGH S/O LATE ARUN KUMAR SINGH @ SINHASHAN SINGH Resident of Village- Rajpur, P.S.- Koilwar, District- Bhojpur.
 2. SHAILESH SINGH S/O LATE ARUN KUMAR SINGH @ SINHASHAN SINGH Resident of Village- Rajpur, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 24-04-2023 Heard both the parties.

2. The petitioners seek bail in anticipation of their arrest in connection with Koilwar P.S. Case No. 406 of 2022, dated 24.06.2022, instituted for the offences under Sections 379, 411, 34 of the I.P.C, Section BM (CPIMTS) Amendment Rules, 2021, Rule 56(1)/56(2)/60(3) & MM (DR) Act, 1957 and Section 4/21 MM/DR Act (Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage) Amendment Rules, 2021 Rules 56(1), 60(3) and 56(2) of MM (DR) Act, 1957 Rules 4 and 21.

3. Learned APP for the State opposes the prayer for grant of bail.

4. The allegation against the petitioners is of



collecting sand without license and one truck was seized. Learned counsel submits that the petitioner was wrongfully arrayed as an accused.

5. I have considered the submission. While it is noticed that the sand was being illegally smuggled, however, submission of the petitioner does not seem to be truthful. Taking into consideration the nature of allegations, I am inclined to grant anticipatory bail to the petitioners, namely Krishna Singh and Shailesh Singh, and in the event of arrest, they shall be released on bail subject to the conditions as laid down under Section 438(2) of the Cr.P.C., which are held as under:-

(i) The petitioner shall cooperate with the investigation and make himself available for interrogation whenever required.

(ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer,

(iii) The petitioner shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the police;

(iv) The petitioner shall maintain law and order;



(v) The petitioner shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

(vi) The petitioner shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

(vii) The petitioner shall regularly remain present during the trial and cooperate with the Hon'ble Court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

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