

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67871 of 2022

Arising Out of PS. Case No.-414 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

MUKHLAL CHAUDHARY Son of Ramfal Chaudhary Resident of village -
Badhayabag, P.S.- Sasaram (M), District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.08.2022 in connection with Sasaram(M) P.S. Case No. 414 of
2022, F.I.R. dated 20.08.2022 for the offences punishable under
Sections 379, 411 of the Indian Penal Code and Section 56(i),
56(ii) of the Bihar Mines Mineral Concessional Rules and
Section 33, 41, 42, 52 of the Forest Act.

Allegation against the petitioner is that on 20.08.2022,
he was carrying illegal stones (boulders) on a raid of Mahendra
Tractor and when he was intercepted at Barahiya Bag
Government School, he ran away leaving the same.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case only on the basis of suspicion. He further submits that petitioner was not apprehended at the spot and petitioner is neither the owner nor the driver of the Tractor in question. He further submits that the police after investigation submitted the charge sheet against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sasaram Rohtas in connection with Sasaram (M) P.S. Case No. 414 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



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

3. And further condition that 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 step for cancellation of bail bond of the petitioner. 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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