

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70478 of 2023**

Arising Out of PS. Case No.-324 Year-2023 Thana- KOILWAR District-
Bhojpur

- =====
1. UMA NATH SINGH son of Late Brij Nandan Singh Village- Rampur Diara
Ps- Maner Dist- Patna
 2. Bishun Rai @ Ram Bishun Rai son of Abhay Kumar Village- Semara Ps-
barahara Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Pawan Kumar Singh, learned counsel for the

petitioners and Mr. Shyameshwar Dayal, learned A.P.P. for the

State.

The petitioners apprehend their arrest in connection
with Koelwar P.S. Case No. 324 of 2023 registered for the offence
under Sections 379, 411, 34 of the Indian Penal Code and
Sections 11, 56(1), 60(3) of the B.M. (CPIMTS) Amendment Rule
2021 and Sections 4 and 21 of M.M.(D.R) Act, 1957.

The petitioners are alleged to have been found
involved in illegal mining and transportation of sand with the
help of Pokelane causing loss to the government.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this 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 offence. He further submits that on bare perusal of the F.I.R., it appears that the illegal mining of sand was carried out by the local mafia over the government land which was situated near the land of petitioner No.1 and petitioner No.2 was the caretaker of the land of petitioner No.1. and these petitioners have not been involved in the alleged mining of sand. He further submits that name of petitioners have surfaced in this case on the basis of disclosure made by the local chaukidar. Save and except the disclosure of local chaukidar, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence.

Learned A.P.P. for the State on the other hand has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submits that there is direct allegation of illegal mining carried out by the petitioners.

Considering the facts and circumstances of the case and the fact that the petitioners have been implicated in this case on the basis of disclosure made by the local chaukidar, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 learned C.J.M., Arrah in connection with Koelwar P.S. Case No. 324 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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 canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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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