

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68325 of 2023**

Arising Out of PS. Case No.-157 Year-2023 Thana- CHANDI District- Bhojpur

MAHESH SINGH @ MAHESH PRASAD SINGH SON OF LATE
CHALITAR SINGH RESIDENT OF VILLAGE- BISHUNPUR, PS-
CHANDI, DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Chandi P.S. Case No. 157 of 2023 for the offence registered under Sections 379, 411 and 188/34 of the Indian Penal Code lodged on 10.06.2023 by the informant, Sourav Kumar.

3. As per the prosecution story, the allegation is that the police with armed forces went to raid the illegal mining of the sand and found a same loaded tractor with present there. The driver and the cleaner fled away from the scene. Upon enquiry, it was disclosed that this petitioner and others used to extract sand and transport the same. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that the seized tractor do not belong to him and due to village rivalry, his name has come. He has no criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the tractor which has been seized does not belong to him, he do not have criminal antecedent, is aged about 73 years, FIR lodged and he will have to face the trial, this Court is inclined to extend him the privilege of bail.

7. 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, Bhojpur at Ara in connection with Chandi P.S. Case No. 157 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 his 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.

(Rajiv Roy, J)

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