

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75629 of 2023

Arising Out of PS. Case No.-43 Year-2023 Thana- SANOKHAR District- Bhagalpur

Lalit Kumar @ Lalit Kumar Singh @ Lalit Kamar Singh S/O Niranjan Singh
Resident Of Village-Amdanda, P.S.-Sanokhar (Amdanda), District-Bhagalpur

... .. Petitioner/S

Versus

1. The State Of Bihar
2. The Mines Inspector, District Mines Office, Bhagalpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr.Ashok Kumar No.6, learned counsel for the petitioner, learned counsel for the Mines Department and Mr.Sunil Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sanokhar (Amdanda) P.S.Case No.43 of 2023, FIR dated 18.02.2023 registered for the offences punishable under Section 379 of the IPC and Sections 11,39,56 of Bihar Miner Mineral Concession Rule, 2019.

3. Allegation against the petitioner is that he alongwith other co-accused persons involved in illegal mining of sand.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and only on the basis of suspicion the name of the petitioner has been implicated in the present case.

5. Learned counsel for the Mines Department and learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that as per information received from the local villagers the name of the petitioner has been implicated in the present case and fairly submits that except the statement of the local villagers no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned J.M.-1st Class, Bhagalpur in connection with Sanokhar (Amdanda) P.S. Case No.43 of 2023, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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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