

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25495 of 2024**

Arising Out of PS. Case No.-167 Year-2022 Thana- RAJAON District- Banka

Moti Singh @ Santosh Mahto Son of Late Girish Mahto Resident of Village-
Kamalpur (Hazipur) P.S. Sajour, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend his arrest in connection with Rajoun P.S. Case No. 167 of 2022 registered for the offence under Sections 147, 148, 149, 323, 186, 332, 333, 307, 353, 504, and 506 of the Indian Penal Code lodged on 23.04.2022 by the informant, Manoj Kumar Singh.

3. As per the prosecution story, the informant alleged that upon a secret information that at prohibited Rampur Ghat at Chandan river, the accused persons excavating illegal sand, police reached there but were greeted with 50 rounds of firing, 5



tractors without registration number carrying sand were seized.
Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that none of the tractor belong to the petitioner, he being the villager was just passing over the area, implicated. Further, he does not have criminal antecedent and is ready to co-operate in the investigation/diligently appear in the trial.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 10,000/- on his own to the Chief Minister's Relief Fund.

6. Learned A.P.P. for the State opposed the prayer stating that in the midnight, not only there was illegal sand mining, when the police reached there, they also resorted to firing.

7. Though the allegation is grave, the same is against hundred of people, petitioner does not have criminal antecedent and he is ready to co-operate in the investigation, this Court is inclined to extend him privilege of anticipatory bail subject to the payment of Rs. 10,000/- to the Chief Minister's Relief Fund and receipt has to be submitted.

8. Let the petitioner, above named, 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 Court of Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 167 of 2022 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 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 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 the 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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