

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26424 of 2024

Arising Out of PS. Case No.-729 Year-2023 Thana- BANKA District- Banka

Bablu Yadav, aged about 42 years, Male, son of Prayag Yadav, resident of village- Majilishpur, PS- Banka, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Pandey, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Banka PS Case No.729 of 2023 dated 04.11.2023, instituted under Sections 379, 411, 188 of the Indian Penal Code, Section 4(1)21 MMRD Act, 1957, 11/41/56(B) BMCPI MTS Rule 2019 & Amendment Act & 184/192.

3. The prosecution case, in brief, is that the police intercepted three tractors loaded with sand. The drivers and owners of the vehicle managed to flee away. None had come to produce challan etc. with regard to sand. Thereafter, the police seized the vehicles along with sand.

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



case. It is further submitted that the petitioner is neither the owner nor the driver of the seized tractors. The petitioner has no concern with seized tractors and the sand. Nothing has been recovered from conscious possession of the petitioner. Further submission is that similarly situated co-accused has been granted bail by the Court below itself. Lastly, it is submitted that the petitioner has one criminal case pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in Banka PS Case No.729 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father,



mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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