

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26162 of 2024

Arising Out of PS. Case No.-375 Year-2023 Thana- LAXMIPUR District- Jamui

1. Gaurav Kumar S/O Ajay Singh, R/O Village- Gangara, P.S- Gidhaur, Distt.- Jamui.
2. Sintu Kumar @ Sittu Kumar @ Sumit Kumar S/O Late Umesh Singh, R/O Village- Gangara, P.S- Gidhaur, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Prakash Kumar, Advocate Mr. Manoranjan Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Yogesh Chandra Verma, the learned senior counsel for the petitioners, the learned counsel appearing on behalf of the Mines department and Mr. Ram Anurag Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Laxmipur/Gidhaur PS Case No. 375 of 2023, FIR dated 19.08.2023, registered for the offences punishable under Sections 379, 411 and 420 of the Indian Penal Code and Sections MMDR Act, 1957 and 56(2) Illegal Mining, Transportation and Storage Rules, 2018.

3. According to the prosecution case, the informant along with police party raided Pritampur, Mauza - Gangara and



found sixty-five cubic feet of illegal sand and the local chowkidar disclosed that the aforesaid sand belongs to villagers named in the FIR. It is further alleged that upon enquiry, the informant found two cubic pot holes in the river Ulai, which might have been caused due to illegal excavation of sand and due to which the Government exchequer has incurred heavy loss.

4. Learned senior counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation against the petitioners and the petitioners have not participated in the present crime in question and they have falsely been implicated in the present case on the basis of disclosure made by local chowkidar.

5. The learned counsel appearing on behalf of Mines department and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that although petitioner no. 1 has clean antecedent, but petitioner no. 2 carries one criminal antecedent other than the present one, however, he fairly admits that petitioner no. 2 is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances



and the fact that there is no specific allegation against the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Jamui, where the case is pending in connection with **Laxmipur/Gidhaur PS Case No. 375 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court 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 trial Court 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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