

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36515 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- Kadirganj P.S. District- Nawada

Rajesh Kumar S/o- Sukhdev Yadav Village- Jamuawan Po- kadirganj Ps-
Kadirganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Bohra
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Kadirganj P.S. Case No. 362 of 2023 registered for the

offence under Sections 379, 353/34 of the I.P.C.

3. The petitioner is named in the F.I.R. and is

in custody since 01.04.2024.

4. The allegation against the petitioner is to be

involved in illegal mining of sand and also to deter

officers and staffs of mining department to discharge

their official duties.



5. Learned counsel appearing on behalf of the petitioner submitted that the allegation against the petitioner is general and omnibus in the nature. It is submitted that out of previous criminal antecedents as petitioner is named in seven more criminal cases of similar nature merely on the basis of suspicion he was named with the present case without having any connecting evidence. It is pointed out that in all those seven cases petitioner is on bail. It is further pointed out that the allegation to deter government officials to discharge their duties is not specifically available against the petitioner. While concluding the argument, it is submitted that the investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of the nature of



allegation which appears prima-facie very general and omnibus in nature, coupled with fact that charge-sheet has already been submitted, where petitioner is in custody since 01.04.2024, let the petitioner, above named, is directed to be released on bail in connection with Kadirganj P.S. Case No. 362 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

