

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41030 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- SIKARHATTA District- Bhojpur

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1. Indrajeet Yadav Son Of Dinesh Yadav Village- Bhedapakar, Ps- Bhatparrani, Dist- Dewariya Up
 2. Brahm Dev Yadav Son Of Late Raja Yadav Village- Kharohwa Thakur, Ps- Bhatpar Rani, Dist- Dewariya Up

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Shiv Prasad Gupta, learned counsel for the petitioners and Mr. Manoj Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sikarhata P.S. Case No. 34 of 2024, F.I.R. dated 16.03.2024 for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

3. According to prosecution case, when the informant along with other police personal started for raiding the place of illicit sand trade. In the meantime, having seen the police party the drivers of three trucks fled away the trucks were loaded with sand on every truck 1000 CFT sand was loaded in that trucks no



valid paper of sand was found some persons gather there to see the police the independent witnesses declined to become witnesses in the case then constables participated in the raiding party were made witnesses seizure list has been prepared.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that only on the basis of the suspicion the petitioners have been made accused in this case and except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioners in the present occurrence.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners have clean antecedent and only on the basis of the suspicion they have been made accused in the present occurrence, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Sikarhata P.S. Case No. 34 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below shall take step for cancellation of bail bonds 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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