

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49775 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- SIKARHATTA District- Bhojpur

SUNIL KUMAR RAI S/O SHYAMA PRASAD RAI R/O VILLAGE-
KHAIRABARI, P.S- KHAIRABARI, DISTT.- GHAZIPUR, U.P.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Sekhar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard Mr. Shashank Sekhar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Sikarhatta P.S. Case No. 38 of 2024 instituted under Sections 379 and 411 of the Indian Penal Code lodged on 23.03.2024 by the informant, Bipin Raut.

3. As per the prosecution story, on 23.03.2024, two sand laden trucks were intercepted by the informant, the driver escaped, the trucks seized, FIR lodged.

4. Learned counsel for the petitioner submits that he being owner of the truck had no knowledge about illegal sand mining by the drivers. He is respectable person residing in the State of Uttar Pradesh, has clean antecedent though difference sections of violation of mining Act has not been incorporated in



the FIR. He is ready to pay the cost of the sand that was found on the two trucks. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the District Legal Services Authority, Bhojpur for the purchase of journals through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he has to take responsibility being owner of the two trucks.

6. Taking into account the aforesaid facts as also the fair submissions put forward by the learned counsel for the petitioners that he is ready to pay the amount of the sand that was found on the two trucks, he do not have criminal antecedent, will be diligently appearing in trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the District Legal Services Authority, Bhojpur (for the purchase of journals) through Demand Draft issued by the local branch of the State Bank of India as also the amount of the sand as stated above.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each in connection with Sikarhatta P.S. Case No. 38 of 2024 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the native of the State of Bihar of the petitioner who shall provide official document to show his/her 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 his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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 his bail bonds.

(Rajiv Roy, J)

Ravi/-

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

