

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47637 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- SANDESH District- Bhojpur

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1. Uday Shankar Singh Son Of Shivji Singh, R/O- Nasratpur, P.S.- Sandesh, Dist.- Bhojpur.
 2. Kamlesh Kumar Son Of Bhuneswar Singh, R/O- Village- Kunjan Tola, P.S.- Chandi, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Manoj Kumar, the learned counsel for the petitioners and Mr. Damodar Prasad Tiwary, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sandesh PS Case No. 121 of 2024, FIR dated 02.05.2024, registered for the offences punishable under Sections 379, 411 and 120(B) of the Indian Penal Code and under Section 194 of MV Act.

3. According to the prosecution case, after receiving confidential information regarding illegal sand being transported by tractor via the route of Chandi, the informant along with police personnel reached at the alleged place and saw that one tractor is coming from Saripur ghat and upon seeing the police, the driver of



the vehicle fled away. It is further alleged that 120 CFT of illegal sand was loaded in the tractor.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that petitioners have purchased the sand in question for personal use and without any basis the police has stopped the vehicle in question and has lodged the present FIR against the petitioners.

5. The 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 mainly the facts that petitioners have clean antecedent and without any basis the present FIR has been instituted, let the petitioners, above-named, in the event of their arrest or surrender before the learned 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 Chief Judicial Magistrate, Bhojpur at Ara, where the case is pending in connection with **Sandesh PS Case No. 121 of 2024**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned 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 learned 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 learned 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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