

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52559 of 2024

Arising Out of PS. Case No.-171 Year-2024 Thana- KOILWAR District- Bhojpur

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Brijesh Yadav @ Vrijesh Yadav son of Ram Nakshatra Village- Bahiyari
Baghel Bhatpar Rani Ps- Bhatpar Rani Dist- Deoria U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Krishna, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Radha Krishna, learned counsel for the

petitioner and Mr. Ganesh Prasad Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Koilwar P.S. Case No. 171 of 2024, F.I.R. dated
28.03.2024 registered for the offences punishable under
Sections 379, 411 of the Indian Penal Code.

3. The prosecution case, in brief, is that on
28.03.2024 the informant along with other police personnel
were on patrolling and reached Englishpur at about 7:30 P.M.
then they saw that a truck driver after seeing them, left the truck
and tried to flee who was chased but the driver managed to flee.
It is further alleged that the sand was overloaded on the truck
and on search neither any document pertaining to the truck nor
any document pertaining to the sand was found on the truck.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the prosecution has not filed the present case under the Mines and Minerals Act and even the prosecution has not mentioned the quantity of the sand which was recovered from the truck in question and apart from that the petitioner has been made accused in the present case merely on the ground that the petitioner is the owner of the truck in question.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and no case is filed under the Mines and Minerals Act, let the petitioner, above named, in the event of his 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Arrah in connection with Koilwar P.S. Case No. 171 of 2024, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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