

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56058 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- SANDESH District- Bhojpur

SHEOJI VERMA @ SHIVJEE VARMA @ SHIWAJI BARMA SON OF
PASHURAM VARMA Resident of Village - Fatehpur, P.S. - Sandesh, District
- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sandesh P.S. Case No. 125 of 2024 for the offence under sections 379, 411, 414, 120(B) of the I.P.C. and 192, 194 of the MV Act, 1988 lodged on 08.05.2024 by the informant, Dharmendra Kumar, ASI, Sandesh PS.

3. As per the prosecution story, the informant alleged that while patrolling he received information about the sand loaded tractor moving near Ramsagar Balu Ghat. It was intercepted, the driver escaped and upon search, 10 CFT yellow sand recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is the owner of the tractor which is used exclusively for



agriculture purpose. It seems that the driver, Vishal Kumar may have used it for extra income. He further submits that the petitioner has no criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer submitting that he is the owner of the said tractor.

6. Taking into account the aforesaid fact as also allegedly, it was the driver who escaped, the petitioner is the owner, has got no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to the condition that the petitioner has to pay Rs. 10000/- to the Chief Minister's Relief Fund.

7. Let the petitioner, named above, be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as



subject to the following conditions:-

(i) one of the bailors should be the family member/relative 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 one year to mark his attendance;

(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)

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