

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63869 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- SANDESH District- Bhojpur

Sartaj Alam @ Sonu Khan son of Abdul Rahman, R/o- W. No- 12, Koilwar,
PS- Poilwar, Dist- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principle Secretary cum Commissioner, Department of Mines and Geology, Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
For the Mines	:	Mr. Naresh Dikshit, Spl. PP
		Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Ravindra Kumar, the learned counsel for

the petitioner and Mr. Sanjay Kumar Tiwary, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Sandesh PS Case No. 166 of 2023, FIR dated

23.06.2023, registered for the offences punishable under

Sections 379, 411, 384, 504 and 353 read with Section 34 of the

Indian Penal Code and under Section 56(i) and 56(ii) of the

Bihar Mines Minerals and Concession Amendment Act, 2021

and under Section 15 of the EP Act, 1986 and under Section 3

and 4 of the Damage to Public Property Act.

3. According to prosecution case, the informant along



with extension officers and SAP personnel was conducting vehicle checking against illegal mining and transportation, meanwhile, a truck was stopped and searched, and it was found that the said truck was laden with 600 cft of sand while in the challan it was mentioned 209.75 cft. It is further alleged that the petitioner misbehaved with the personnel and fled away with the seized truck.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegations levelled in the FIR are false and fabricated and the petitioner has not committed any such offence as alleged in the FIR. He further submits that as per the allegation in the FIR, the truck was found with 600 cft of sand, but, the challan of the said truck was produced by the concerned person, which suggests that the challan of 209.75 cft was mentioned. He further submits that although, the petitioner is not the owner of the truck in question, but, he is ready to deposit the deficit challan amount in accordance with law.

5. The learned counsel appearing on behalf of Mines and the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 8 case of similar nature other than



the present one, but, fairly submits that the petitioner has deposited the fine amount as prescribed under the rule and petitioner may be given the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner is not the owner of the truck in question and he is ready to deposit the deficit challan amount in accordance with law, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bhojpur, Ara, where the case is pending in connection with **Sandesh PS Case No. 166 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). 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.



(ii). If the petitioner tampers 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 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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