

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65861 of 2024

Arising Out of PS. Case No.-630 Year-2023 Thana- RAJGIR District- Nalanda

Shambhu Kumar Son of Saryug Prasad @ Saryu Prasad village- Arya Samaj
mandir Road, Near Nichali Bazar, Ps- Rajgir, Dist- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-09-2024 Heard Mrs. Vaishnavi Singh, learned counsel for the
petitioner and Mr. Jharkhandi Upadhyay, learned A.P.P. for the
State.

2. Petitioner in the present case is seeking regular bail
in connection with Rajgir P.S. Case No.630 of 2023 registered
for the offences punishable under Sections 379 and 411 of the
Indian Penal Code. He is in custody since 09.07.2024. The
petitioner has got three criminal antecedents.

3. The prosecution story in brief is that the Mines
Inspector, Nalanda on the basis of an information went to
conduct raid and accordingly, sand was found stored at two
places. Upon inspection at the first place, about 3000 CFT
yellow sand was found and from second place about 2000 CFT
yellow sand was found. On enquiry, the local people disclosed
that at both the places, sand was stored by the petitioner. It was



further alleged that due to the said illicit storage, the government has suffered loss of about Rs.5,31,250/- and the same is payable by the petitioner, Shambhu Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 09.07.2024 and the investigation against him is complete.

5. Mr. Jharkhandi Upadhyay, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

6. Having regard to the submission that the appellant surrendered on 09.07.2024 in connection with Rajgir P.S. Case No.630 of 2023 and the investigation against him is complete and he having three criminal antecedents in which he is on bail, his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate at Bihar Sharif in connection with Rajgir P.S. Case No.630 of 2023, subject to the condition as laid down under Section 437 (3) Cr.P.C.



7. 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 steps 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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