

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76250 of 2024

Arising Out of PS. Case No.-367 Year-2024 Thana- SHERGHATI District- Gaya

Sudhir Yadav @ Sudhir Kumar Yadav Son of Naresh Yadav Resident of
Village- Nawadih, P.S.- Sheghati, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mahendra Thakur, Adv.
		Mr. Vijay Kumar, Adv.
For the Opposite Party/s :		Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-10-2024 Heard Mr. Mahendra Thakur, learned counsel for
the petitioner and Mr. Prem Kumar Jha, learned APP.

2. The petitioner is in judicial custody in connection with Sherghati P.S. Case No. 367 of 2024 for the offences punishable under Sections 303(2), 317(2) of BNS and Sections 21 M.M (D&R) Act & 56 BM (CPIMTS) Rule, lodged on 16.07.2024 by the informant, Ajit Kumar.

3. As per the prosecution story, the informant alleged that on confidential information, a tractor was seized while unloading the sand and as the person (petitioner herein) present there failed to produce any document, it led to the FIR, arrest.

4. It is the case of the petitioner that he had little knowledge of all this nitty-gritty of Chalan, he being the driver, has no criminal antecedent, has already suffered by being in



custody since 16.07.2024 (para-4 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.7,000/- (Three thousand) to the Chief Ministers' Relief Fund, Patna, Bihar.

5. Learned APP opposes the prayer submitting that he was caught unloading the sand.

6. Taking into account the aforesaid fact, FIR has been lodged, the petition will face the trial, he is in custody since 16.07.2024 and has got no criminal antecedent, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 7000/- (Seven thousand) to the Chief Ministers' Relief Fund, Patna, Bihar.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM 1st, Sherghati at Gaya in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his 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 month for next six months 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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