

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75821 of 2023

Arising Out of PS. Case No.-466 Year-2022 Thana- SHERGHATI District- Gaya

SANTOSH PATHAK SON OF VINOD PATHAK R/O OF VILLAGE-
NINGARI (WAKILGANJ), P.S.- DOBHI, DISTRICT- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. SATYENDRA PRASAD AGED ABOUT NOT KNOWN (MALE), S/O
RAMPATI SINGH, THE MINES INSPECTOR, DISTRICT MINES
OFFICE GAYA, BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For the Mines	:	Mr. Kumar Harshvardhan, Spl. P.P., Mines

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard Mr. Mahendra Thakur, learned Counsel for

the petitioner and Mr. Kumar Harshvardhan, learned Spl. P.P.,

Mines.

2. The petitioner apprehends his arrest in connection
with Sherghati (Dobhi) P.S. Case No. 466 of 2022 for the
offence registered under sections 379, 411 and 34 of the Indian
Penal Code and section BM(CPIMTS) U/S 56 and MM(D&R)
Act U/S-21 lodged on 09.06.2022 by the informant, Satyendra
Prasad.

3. As per the prosecution story, the allegation against
the accused persons is/are of illegal storage of sand, causing loss
to the Government Revenue.



4. Learned Counsel for the petitioner submits that number of persons have been implicated due to enmity with the concerned official and the petitioner has also been dragged in.

5. Further submission is that though he has criminal antecedent, the same is under SC/ST Act. Learned Counsel submits that similar situate others have been granted anticipatory bail as contained in Annexure -2 series.

6. Learned Counsel appearing for the Spl. P.P., Mines opposes the prayer though he concedes that he is on the similar footing as that of the other accused persons as contained in Annexure-2 series.

7. Taking into account the aforesaid facts as also that the similar situate persons have been extended anticipatory bail by the co-ordinate benches, this Court is also inclined to extend him privilege of anticipatory bail.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Sherghati at Gaya in connection with Sherghati (Dobhi) P.S. Case No. 466 of 2022 subject to condition as laid down under



Section 438(2) of the Cr.P.C.

(i) one of the bailor 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 one year to mark 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 the bail bonds.

(Rajiv Roy, J)

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