

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78552 of 2024

Arising Out of PS. Case No.-787 Year-2024 Thana- BIHTA District- Patna

1. Shiv Kumar Singh S/O Sri Kapil Deo Rai R/O Vill - Hulasi Tola, P.S. - Maner, Distt.- Patna
2. Indal Rai S/O Late Chhavdhari Rai R/O Vill - Hulasi Tola, P.S. - Maner, Distt.- Patna
3. Benchu Rai @ Biteshwar Kumar S/O Rama Kant Rai R/O Vill - Hulasi Tola, P.S. - Maner, Distt.- Patna
4. Amarjeet Rai S/O Nand Lal Rai R/O Village- Bhavani Tola, Police Station- Maner, District- Patna
5. Mohan Paswan S/O Late Prasad Paswan R/O Village- Uttari Chiraiya, Police Station- Bakhtiyarpur, District- Patna
6. Shivam Mahto S/O Jichho Mahto R/O Village- Anthavan, Police Station- Ekchari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunit Kumar Srivastava, Advocate
For the State	:	Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-11-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Bihta P.S. Case No. 787 of 2024 for the offences punishable under Sections 303(2), 317(29 and 3(5) of the Bharatiya Nyaya Sanhita, lodged on 23.08.2024 by the informant, Sanjay Kumar Singh.

3. As per the prosecution story, the informant alleged that on information about illegal mining, the boat was intercepted and though the accused tried to escape, apprehended and yellow sand loaded boat recovered/seized, this led to the F.I.R.



4. Learned counsel for the petitioners straight away has taken this Court to the seizure list to show that the recovery/seizure only talks about the boat and not any sand much less the yellow sand. Further, the petitioners do not have criminal antecedent and lastly the submission is that the petitioner no.1, Shiv Kumar Singh intends to pay Rs.5,000/- to Chief Minister's Relief Fund through Demand Draft issued by the local State Bank of India.

5. Learned APP for the State opposes the prayer submitting that the police intercepted the boat with yellow sand. However, he acknowledges that the seizure list does not talks about the yellow sand.

6. Considering the submissions put forward by the parties as also the fact that none of the petitioners have criminal antecedent and are in custody since 24.08.2024 (paragraph no.16 of the petition), they intend to diligently appear in trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 5,000/- by the petitioner no.1, Shiv Kumar Singh by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

7. Let the petitioners 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 Additional Chief



Judicial Magistrate-II, Danapur in connection with Bihta P.S. Case No. 787 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in now 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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