

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82733 of 2023

Arising Out of PS. Case No.-359 Year-2021 Thana- BIDUPUR District- Vaishali

RAJAN RAI SON OF SITARAM RAI @ SIYARAM RAI RESIDENT OF
VILLAGE - KHALSA GHAT, P.S. - BIDUPUR, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bidupur P.S. Case No. 359 of 2021 for the offence under Sections 379 and 411 of the I.P.C. and 56/39(3) of the Bihar Minerals (Concession and Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, lodged on 27.07.2021 by the informant, Jai Prakash Singh.

3. As per the prosecution story, the informant along-with police personnel conducted raid upon information of illegal sand mining and found that this petitioner to have stolen 2800 cft sand causing loss of Rs. 1,49,100/-. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that under wrong belief, the FIR has been lodged as it is an open place and it cannot be said that the alleged sand mining was



done by the petitioner. The further submission is that since he has been implicated in the FIR, the petitioner is ready to pay the amount that has come in the prosecution story i.e. to say Rs. 1,50,000/-. The last submission is that he do not has any criminal antecedent.

5. Learned APP opposes the prayer stating that as per the FIR, he has been found to have stolen 2800 cft sand.

6. Though the allegation is there, considering the fact that the petitioner is ready to pay the amount, FIR lodge, he will be facing the trial and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 1,50,000/- to the office of the informant i.e. the Mining Officer, Vaishali and the demand draft shall be submitted at the time of surrender/seeking bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Bidupur P.S. Case No. 359 of 2021 subject to the conditions 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/her 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 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;

(iv) 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.

8. The anticipatory bail application stands disposed of.

(Rajiv Roy, J)

Adnan/-

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