

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84858 of 2023
In
CRIMINAL MISCELLANEOUS No.59606 of 2022

Arising Out of PS. Case No.-110 Year-2021 Thana- GHOSI District- Jehanabad

VIKASH KUMAR Son of Vinod Sharma R/o vill - Dhuriyari, P.S. - Ghosi,
Distt. - Jehanabad Petitioner/s

Versus

1. The State of Bihar
 2. Competent Officer, Mining Officer, Jehanabad, Dist. - Jehanabad, Bihar
Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-01-2024 Heard the parties.

Earlier on the undertaking of the petitioner that he will be paying Rs. 90,500/- i.e. the amount relating to the 2500 CFT of sand which was found stored illegally by him, this Court granted him privilege of anticipatory bail on 6.2.2023.

2. Ten months later, taking the *alibi* of an accident, bereft of any document, a prayer has been made for modification of order inasmuch as the petitioner wants to pay the amount in installment and further to extend the period for his surrender for another four weeks.

3. Learned counsel for the petitioner submits that he is willing to pay Rs. 50,500/- at the time of surrender when he will be filing his application and further Rs. 40,000/-



within two months from today. He submits that both the payments shall be made by the petitioner through Bank Draft issued by the Local State Bank of India to be handed over to the learned Court so that the same is finally given to the appropriate authority of the State Government.

4. Learned counsel appearing for the Mines opposes the prayer stating that the petitioner is approaching this Court according to his will and it is not his case that immediately after lapse of four weeks, he approached the Court and as such wants dismissal of the case.

5. Though, this Court is in full agreement with the submission put forward by the learned counsel for the Mines; in view of the fact that earlier anticipatory bail was extended to him, another chance is being granted to him considering the statement made in the application that he met with an accident.

6. In case the petitioner surrenders within four weeks from today he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No. 110 of 2021 subject to the



conditions:

(i) the petitioner shall pay Rs. 50,500/- through Bank Draft issued by the Local State Bank of India as also Rs. 40,000/- (cash) within a period of two months from today;

(ii) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(iii) 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;

(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(vi) 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;

(vii) 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.

7. The modification application stands allowed.

(Rajiv Roy, J)

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