

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79476 of 2023

Arising Out of PS. Case No.-406 Year-2022 Thana- KOILWAR District- Bhojpur

=====

Guddu Rai @ Guddu Kumar Son Of Late Bikhari Rai R/O Village- Rajapur
(PACHRUKAHIYA), P.S.- Koilwar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 23-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Koilwar P.S. Case No. 406/2022 dated 24.06.2022 registered for the offences punishable under Sections 379, 411/34 of the Indian Penal Code, Section 56(I), 56(II), 60(3) of the BM (CPIMTS) Amendment Rules 2021 and Section 4/21 MM(DR) Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have collecting sand illegally



and one truck loaded with sand illegally was seized. Chowkidar has disclosed the name of the petitioner and others.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is accused in six other criminal cases as stated in para 3 of the bail petition. The other co-accused persons have already been granted bail by the Co-ordinate Bench *vide* order dated 24.04.2023 passed in Cr. Misc. No. 63659 of 2022. The petitioner was not present at the time of occurrence. Learned counsel has submitted that there is no specific overt act against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Bhojpur at Sadar in connection with Koilwar P.S. Case No. 406/2022, subject to conditions as laid down under section



438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

