

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34659 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- KOTHI District- Gaya

Md. Ayub Khan @ Md. Ayyub Khan S/o Late Makasud Alam Khan Resident
Of Village- Shiwa, Gajadharpur, P.S.- Kothi, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2025 Heard Mr. Md. Javed Jafar Khan, learned Counsel
for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kothi P.S. Case No. 71 of 2024 for the offence registered
under sections 303(2) & 317(2) of BNS, 2023.

3. As per the prosecution story, the informant alleged
that illegal mining was being done by the petitioner's side and
the tractor also belongs to him. This led to the FIR.

4. Learned Counsel for the petitioner submits that no
such occurrence took place, only due to enmity and having
criminal antecedent, the petitioner has been implicated, though
he is ready to pay the reasonable fine amount of Rs. 15,000/-.

5. Learned APP for the State, Mr. Ashok Kumar
Singh, on the other hand, opposes the prayer for anticipatory



bail submitting that he owns the tractor.

6. Considering the submissions of the parties as also the fact that the FIR has been lodged, he shall be facing the music and is ready to pay the fine of Rs. 15,000/-, in that background, this Court is inclined to grant him the anticipatory bail with conditions. The receipt has be filed before the learned Trial Court at the time of execution of bail bond.

7. 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 Judicial Magistrate, 1st Class, Gaya in connection with Kothi P.S. Case No. 71 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 fortnight for next six months 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)

Vijay Singh/-

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