

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55304 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- SANDESH District- Bhojpur

Vir Bahadur Singh @ Veer Bahadur Singh S/O Ram Suresh Singh R/O
Village-Dihri,PS- Sandesh,Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 10-01-2025 Heard Ms. Priya, learned counsel for the petitioner
and Mr. Brij Bihari Tiwary for the Mining Department.

2. The petitioner is apprehending his arrest in connection with Sandesh P.S. Case No. 76 of 2024 for the offence under Sections 379, 411, 120B, 353 and 414 of the I.P.C., Sections 192 and 194 of the Motor Vehicle Act and Section 15 of the Environmental Protection Act lodged on 15.03.2024 by the informant, Ashish Kumar Pathak.

3. Pursuant to the last order passed by the Coordinate Bench on 02.09.2024, a supplementary affidavit has been filed by the petitioner by which payment of Rs. 35,625/- has been made.

4. Learned counsel appearing on behalf of the Mining Department objects to it submitting that he has not received the



copy of the supplementary affidavit.

5. This Court has perused the supplementary affidavit and finds that the objection is correct. In that background, a cost of Rs. 200/- is imposed upon the Clerk of the said office namely Md. S. Alam who has identified the deponent inasmuch as he failed to provide the copy to the office of Mr. Naresh Dixit, learned Spl.P.P. Mines and directly filed the copy to the Court. The amount has to be paid to the Patna High Court Legal Services Committee and the payment receipt has to be submitted by today itself.

6. As per the prosecution story, the informant alleged that while patrolling, upon secret information about a loaded tractor with sand moving illegally, it was intercepted. The Driver was apprehended by the local public assembled and forcibly tried to release the tractor. This led to the FIR.

7. Learned counsel for the petitioner submits that he has already suffered, FIR lodged, will be facing the trial, payment had been made and has been brought on record by way of supplementary affidavit.

8. Learned counsel for the Mining Department opposes the prayer submitting that not only illegally they were taking away the sand but also they tried to take away the tractor.



9. Considering the submissions put forwarded by the parties as also the fact that pursuant to the Coordinate Bench order, an amount has been deposited, FIR is there and the petitioner will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

10. 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, Bhojpur at Ara, in connection with Sandesh P.S. Case No. 76 of 2024 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/relative 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 appear before the concerned police station every fortnight for next six months to mark his



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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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