

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76561 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- SIKARHATTA District- Bhojpur

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1. Uday Kumar Singh Son of Krishna Bihari Singh village- Jawahar Nagar, Ps- Bermoo, Dist- Bokaro Jharkhand
 2. Ramjit Pandit Son of Dhanraj Pandit village- Majhouli, Ps- Dawath, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akash Kumar Mishra, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP
For the Mines Dep.	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-02-2025 Heard Mr. Akash Kumar Mishra, learned counsel for the petitioners, Mr. Brajendra Nath Pandey, learned APP for the State as well as Mr. Naresh Dikshit and Mr. Brij Bihari Tiwary, learned counsel for the Mines Department.

2. The petitioners are apprehending their arrest in connection with Sikarhata P.S. Case No. 34 of 2024, F.I.R. dated 16.03.2024 for the offences punishable under Sections 379 and 411 of the IPC.

3. As per FIR, it is alleged that the petitioners were transporting 1000 (CFT) of sand of Sone red sand in their truck without any valid challan and the same was recovered by the informant and other police party during vehicle checking.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R.

5. Learned counsel for the Mines Department has filed a counter affidavit stating therein that the petitioners have caused a loss of Rs.3,06,250/- (Rs. Three Lakhs Six Thousand Two Hundred and Fifty).

6. Learned counsel for the petitioners fairly submits that petitioners are ready to deposit the amount of Rs.3,06,250/- (Rs. Three Lakhs Six Thousand Two Hundred and Fifty) at the time of furnishing their bail bonds.

7. The learned APP for the State and learned counsel for the Mines Department have no objection in this regard.

8. Considering the aforesaid facts and circumstances as well as undertaking given by the learned counsel for the petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Bhojpur at Ara in connection with Sikarhata P.S. Case No. 34 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. At the time of furnishing bail bonds, the petitioners shall deposit Rs.3,06,250/- (Rs. Three Lakhs Six Thousand Two Hundred and Fifty) by way of Demand Draft in favour of the District Mining Officer, Bhojpur and the learned court below is directed to hand over the said Demand Draft to the District Mining Officer, Bhojpur or his executive.

ii. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

iii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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