

**(2021) 02 PAT CK 0010**

**Patna High Court**

**Case No:** Criminal Miscellaneous No. 36951 Of 2020

Shimpu Sharma And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

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**Date of Decision:** Feb. 2, 2021

**Acts Referred:**

- Indian Penal Code, 1860 - Section 120B, 409, 414, 419, 420
- Code Of Criminal Procedure, 1973 - Section 438(2)

**Hon'ble Judges:** Ahsanuddin Amanullah, J

**Bench:** Single Bench

**Advocate:** Sumeet Kumar Singh, Md. Arif

**Final Decision:** Disposed Of

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### **Judgement**

1. Heard Mr. Sumeet Kumar Singh, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (APP) for the State.
2. The petitioners apprehend arrest in connection with Mohania PS Case No. 256 of 2020 dated 27.08.2020, instituted under Sections 409, 419, 420, 414 and 120B of the Indian Penal Code.
3. The allegation against the petitioners and others is that in lieu of money they used to ensure passing of vehicles loaded with illegally mined sand from one district to the other and also from Bihar to UP.
4. Learned counsel for the petitioners submitted that the main role has been assigned to others but against the petitioners it is said that they also used to line-up the vehicles and facilitate in the exercise. It was submitted that the petitioners have no other criminal antecedent.

5. Learned APP submitted that the petitioners are part of a well-organized gang indulging in such illegal activity.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Mohania, District-Kaimur in Mohania PS Case No.

256 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall

be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii)

that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any

law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the

undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every

date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. The application stands disposed off in the aforementioned terms.