

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8224 of 2016**

Arising Out of PS.Case No. -251 Year- 2015 Thana -DIHRINAGAR District- SASARAM  
(ROHTAS)

- =====
1. Upendra Kumar @ Upendra Mahto, son of Pankaj Mahto, resident of Vill.- Gopibigha, P.S.- Dihri Dist- Rohtas,
  2. Dhanjee Singh @ Dhanjee Yadav, Son of Late Surya Singh Yadav resident of Vill- Tendua Dushadhi, P.S.- Dehri Dist- Rohtas,
  3. Kashi Sah, son of Lakhan Sah, resident of Vill.- Karwandiya, P.S.- Sasaram Dist- Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Narendra Kr.Singh, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      25-02-2016                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

Petitioners apprehend arrest in connection with  
  
Dihri (T) P.S. Case No. 251/15, for offences alleged under  
  
Sections 147, 148, 149, 323, 341, 353, 337, 338, 420, 120-B, 307  
  
of the Indian Penal Code, under Section 27 of the Arms Act, under  
  
Sections 33, 41, 42 of the Forest Act, under Sections 4(1), 4(1-A)  
  
of the Mines and Minerals D.E. Act and under Section 4(1) of the  
  
B.M. Act.

The prosecution case, as lodged by S.I. Binod  
  
Kumar, S.H.O. Dehri Police Station, is that the police raided the

place of running illegal crusher unit. When the crusher machine was sized then the villagers attacked the police force. A dumper was found parked near the crusher unit and the petitioners were identified as members of mob.

It has been submitted by the learned counsel for the petitioners that the allegation against them is merely on the basis of suspicion as there was a mob of 400-500 persons. It has further been submitted that the petitioners have got no criminal antecedent, as is evident from paragraph 3 of this petition. Counsel for the petitioner further submits that a Coordinate Bench of this Court has since granted the privilege of anticipatory bail to another similarly situated co-accused in Cr. Misc. No. 4359 of 2016 on 01.02.2016.

Learned APP for the State, however, opposes the prayer for bail.

Considering the general and omnibus nature of allegation against the petitioners and on similar allegations another co-accused has been granted bail, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned

Judicial Magistrate 1<sup>st</sup> Class, Dihri, Rohtas, in connection with  
Dihri (T) P.S. Case No. 251/15, subject to the conditions as laid  
down under Section 438(2) Cr.P.C.

**(Nilu Agrawal, J.)**

Rajesh/-

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