

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14417 of 2016

Arising Out of PS.Case No. -592 Year- 2015 Thana -DIHRINAGAR District- SASARAM (ROHTAS)

1. Bharat Sah son of Late Jaga Sah
2. Sudarshan Sah son of Late Jagdish Sah Both resident of Village- Amara Talab, Police Station- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Opposite Party/s : Mr. Ashraf Ansari(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-04-2016 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend arrest in connection with Dehri (T) P.S. Case No. 592 of 2015 for offences alleged under Sections 379/120 (B) of the Indian Penal Code and 4 (1A) 21 (1) D.E.ACT 40 (1) B.M.ACT, 33, 41, 42 of Forest Act.

The prosecution case lodged by one Ishwar Chandra Vidya Sagar on 25.12. 2015 before the Officer In-charge of Delhri P.S. at about 8 A.M. that upon order passed in C.W.J.C. No. 1252 of 2014 dated 29.04.2014, S.P., Rohtas and District Magistrate, Rohtas constituted a raiding committee and on the same day at about 5.30 A.M. upon secret information, some

people were crushing the stone illegally then he proceeded for raid along with other officials to Gopal Bigha, Crusher Mandi and some persons fled away from there.

It has been submitted by the learned counsel for the petitioners that they are innocent, having no criminal history and they have been named in the F.I.R. along with 23 persons, only on the basis of heresay on the statement of the villagers. It has further been submitted that the petitioners were not found on the place of occurrence and no seizure list has been prepared and they have been falsely implicated only on the basis of suspicion.

However, learned APP for the State submits that the petitioners have been named in the First Information Report alongwith others and it was only on the basis of the order of this Court in C.W.J.C. No. 1252 of 2014 that the raid had been conducted for illegal stone crushing, hence, opposes the prayer for bail.

Be that as it may, since nothing has been recovered from the possession of the petitioners and the petitioners were not found at the place of occurrence and merely on the basis of statement of villagers, the petitioners have been implicated, let the 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 Sub-Divisional Judicial Magistrate, Dehri, District- Rohtas in connection with Dehri (T) P.S.Case No. 592 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--