

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17513 of 2016

Arising Out of PS.Case No. -77 Year- 2016 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

- =====
1. Mithlesh Kumar @ Guddu Singh son of Bhola Singh, resident of vill.- Rudra Pura, P.S.- Dihri, Dist- Rohtas
 2. Biswanath Singh @ Ghamari Yadav, son of Late Ramgahan Singh, resident of vill- Tendua Tola, P.S.- Dihri, Dist.- Rohtas

.... Petitioner/s

Versus

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. Murlidhar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-06-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Dihri (T) P.S. Case No. 77 of 2016 registered for offence
punishable under Section 379 of the Indian Penal Code, Sections
33, 41, 42 of the Forest Act, Sections 4(1-a), 21(1) of the Mines
and Minerals D.E. Act and Section 40(1) of the B.M. Act.

The prosecution case is that a team of police officers
constituted in the light of the order of this Court passed in CWJC
No. 1252 of 2014 to prevent illegal mining of stones, conducted
raid at three places in which some workers were engaged in illegal
mining, who ran away seeing the police. In the First Information

Report, it has also been alleged that from co-villagers, name of the petitioners and 25 other persons came to light, who were involved in illegal mining of stones.

It has been submitted by the learned counsel for the petitioners that although petitioners have been named in the First Information Report as per the version of the villagers, but they were not found at the place of occurrence and nothing has been recovered from their possession. He further submits that there is no specific allegation against these petitioners and have been falsely implicated due to village politics by the co-villagers. He further submits that petitioners have no criminal antecedent, as is evident from paragraph-3 of this application.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and some of the witnesses have also supported the prosecution case, hence, opposes the prayer for bail.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dihri, Rohtas in

connection with Dihri (T) P.S. Case No. 77 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C. and subject to further condition that petitioners will appear before the police/ Court as and when required and their failure to appear before the learned Court below on two consecutive dates without there being any reasonable cause, would entail the consequences of cancellation of their bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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