

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 52693 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -HULASGANJ District- JEHANABAD

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Sanjay Sharma, son of late Raj Nandan Sharma, Resident of Village –
Kandaul, PS – Hulasganj, District - Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Binod Kumar, Advocate

For the S t a t e : Mr Khurshid Anwar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered under
Sections 147, 148, 149, 341, 323, 324, 307, 379, 386, 427, 120B,
504 and 506 of Indian Penal Code and Section 27 of the Arms
Act.

Counsel for the petitioner submits that he is one
amongst the 28 accused persons named in the first information
report. The informant is a sand mining contractor and it is
submitted that on protest being made by the villagers regarding the
illegal mining by the sand mining contractor, they have falsely
been implicated in this case. It is submitted that there is no
specific allegation against him in the FIR and that from perusal of
the FIR, it is quite apparent that the dispute was with the villagers



regarding the mining of sand taken by the contractor which, as per the FIR, was resolved with the intervention of the police. It is further submitted that other 10 co-accused persons have been granted anticipatory bail in the instant case by order dated 13.09.2017 passed in Cr Misc No 38682 of 2017. It is further submitted that the petitioner was in the said anticipatory bail application but since, in the meantime, he was arrested, his prayer had become infructuous and, therefore, he had been deprived of the benefit of the said order.

Considering the aforesaid submissions, petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Judge IV, Jehanabad in Hulasganj Police Station Case No 61 of 2017 subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present



on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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