

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30877 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -SIGORI District- PATNA

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1. Sanjay Yadav, Son of Bhonu Yadav,
 2. Kamlesh Yadav @ Chhto Son of Sipahi Yadav, Both Resident of Village- Mahrajganj, Police Station- Sigori, District- Patna.
 3. Bharat Yadav, Son of Bhonath Yadav, Resident of Village- Pansari, Police Station- Bhagwanganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 19-08-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Sigori P.S. Case No. 28 of 2017 for the offences punishable under sections 341, 323, 379, 411, 504, 505 and 34 of the I.P.C, section 27 of the Arms Act, sections 4 and 40 of the Bihar Minor Minerals Concessions Rule, 1972 and sections 3, 4 and 6 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

Allegedly, the informant being the staff of Bowson Commodities Private Limited Company got informant that the



illegal sand mining is being done in the night by the petitioners and others and then he along with his associates went for inspection and saw two tractors coming loaded with sand and when mining chalan was demanded the tractor driver started abusing and fled away after making altercation and then Singori police station was informed but before arrival of the police the tractor driver Niranjana Paswan, the petitioners and others being armed came there and at first Niranjana Paswan opened fire and thereafter the petitioners and others also opened fire and started assaulting with rod and lathi causing injury to Manish Kumar, Sudarshan Kumar and Shrawan Kumar, the associates of the informant. They caused threats to kill them and when the police vehicle arrived they fled away.

Submission is of false implication and that against the petitioners there is no specific allegation, the specific allegation is against Niranjana Paswan, due to enmity the petitioners have been implicated, they have got no criminal antecedents and as such they deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that against the petitioners also there is allegation for opening fire and assaulting the injured.

In the facts and circumstances as stated above,



considering the allegation attributed against the petitioners, I am not inclined to grant privileges of pre-arrest bail to the petitioners and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of Shri Ranjeet Prasad, J.M. Danapur, Patna.

(Jitendra Mohan Sharma, J)

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