

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31455 of 2018

Arising Out of PS.Case No. -798 Year- 2017 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Suraj Prasad @ Suraj Kumar S/o Parmanand Prasad, R/o Vill.- Murgia
Cahk, P.S.- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Hilsa P.S.case No.798 of 2017 registered for offences punishable under Sections 147, 148, 149, 323, 337, 307, 353 of the Indian Penal Code and Section 27 of the Arms Act and Section 4/40 of the Bihar Mines and Mineral Act, 1972.

Allegation against the petitioner as per FIR is that the police along with the Magistrate had gone to intercept the tractors on information of illegal mining of sand and when the police party reach there they started fleeing away with their tractors and they also started brick batting causing injury to the S.P.O.

Submission of the learned counsel for the petitioner is that the petitioner has enmity with the S.P.O. as such he has been



falsely implicated in this case.

Heard learned A.P.P. also.

Having heard both sides and in view of specific allegation against the petitioner of trying to fleeing away with the tractors and also allegation of assault to the S.P.O., I am not inclined to grant anticipatory bail to the petitioner rather let the petitioner surrender before the learned court below within a period of four weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on its own merit.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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