IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20318 of 2018

Arising Out of PS. Case No.-250 Year-2017 Thana- DORIGANJ District- Saran

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1. Mukesh Rai, Son of Kameshwar Rai @ Kameshwar Prasad,
2. Rakesh Rai @ Rakesh Kumar, Son of Kamleshwar Rai @ Kameshwar Prasad,
3. Bhola Rai, Son of Haricharan Rai, All are residents of Village- Lodipur Chirandh, Police Station- Doriganj, District- Saran (Chapra).

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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with

Criminal Miscellaneous No. 20401 of 2018

Arising Out of PS. Case No.-249 Year-2017 Thana- DORIGANJ District- Saran

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1. Mukesh Rai, S/o Kameshwar Rai @ Kameshwar Prasad,
2. Rakesh Rai @ Rakesh Kumar S/o Kameshwar Rai @ Kameshwar Prasad,
3. Bhola Rai S/o Haricharan Rai, All are R/o Village- Lodipur Chirandh, P.S.- Doriganj, District- Saran (Chapra).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In Criminal Miscellaneous No. 20318 of 2018)
For the Petitioner/s : Mr. Brij Kishor Mishra

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For the Opposite Party/s : Mr. Nagendra Prasad
(In Criminal Miscellaneous No. 20401 of 2018)
For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-04-2018 Heard learned counsels for the petitioners and State.

The petitioners of both the applications are same and they are apprehending arrest in two different cases registered for the same offences punishable under Sections 147, 148, 149, 188, 307, 332, 333, 341, 353, 383 and 120B of the IPC. In both the cases, accusation verbatim is also same. The only difference between these two cases are that the informant of Doriganj P.S. Case No. 250 of 2017 is Kapildev Ram and the informant of Doriganj P.S. Case No. 249 of 2017 is Ram Ekbal Prasad.

The prosecution case is that in violation of the order passed by the Department of Mines as well as by the High Court illegal mining and transportation of sand continued, as a result of which, on the order of District Magistrate, the S.H.O. and other police official went to get the place of storage of sand ch ecked but in protest, bricks were pelted. Consequently, the S.H.O. and other police personnel got injured. Thereafter, miscreants blocked the road and they again assaulted the police personnel. Consequently, 31 persons were apprehended and about 157 miscreants were identified. The names of the

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petitioners appear in the list of 157 identified miscreants. A statement has been made in paragraph no.3 that except these two cases, which have been lodged for the same incident with same accusation by two police personnel, the petitioners are not having any criminal antecedent. There is nothing on record to suggest that any officials from the Mining Department was present in the whole exercise. Apparently, as per the provisions of Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003, the authority to control or check with regard to illegal storage and transportation lies with the authorities of Department of Mines, hence it appears that maliciously, the accusation has been levelled. Moreover, similarly situated accused, Sudhir Kumar Rai has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 17731 of 2018.

Considering the accusation being omnibus and general against a mob, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII,

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Chapra, District Saran in connection with Doriganj P.S. Case No. 249/250 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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