

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10930 of 2018

Arising Out of PS. Case No.-529 Year-2016 Thana- BIHTA District- Patna

Uma Shankar Rai @ Uma Shankar Singh @ Sipahi Rai, Son of Late Jairam Rai @ Jiram Rai, Resident of Village- Saurmarwa, P.S.- Maner, District- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Smt. Babita Kumari, Advocate Mr. Purusottam Kuamr, Advocate
For the Opposite Party	:	Mr. Satyadev Prasad Singh Yadav (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 27-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Bihta P.S. Case No. 529 of 2016, registered for the offences punishable under Sections 147, 148, 149, 379, 414, 406, 420, 467, 468, 471, 387 of the Indian Penal Code.

Allegedly, the informant and other police officers went to arrest the accused of Bihta P.S. Case No. 526 of 2016 then the informant came to know that many persons are indulged in illegal mining of sands from the Government land at the instigation of the petitioner and co-accused Shankar Singh @ Fauzi.

Submission is of false implication and that the petitioner is Mukhiya and due to local politics the police implicated the petitioner in this case as well as in other cases. The



petitioner has not been arrested at the spot and there is no legal and cogent material against him, no any incriminating article has been recovered or seized from the possession of the petitioner. Several other co-accused in this case have been allowed pre-arrest bail vide Annexure-4 series. The petitioner has been allowed pre-arrest bail in Bihta P.S. Case No. 753 of 2016, Maner P.S. Case No. 574 of 2016 and also in Bihta P.S. Case No. 520 of 2017 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, in connection with Bihta P.S. Case No. 529 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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