

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32777 of 2018

Arising Out of PS. Case No.-74 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

1. Vinay Kumar @ Vinay Rai,
2. Sunil Rai @ Sunil Kumar Rai,
3. Bamb Bholai Rai,
4. Sanjay Rai @ Sanjay Rai Dealer, All Sons of Rishideo Rai, R/o Vill.- Samachak, P.S.- Harauli, District- Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur
For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-06-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Hajipur Sadar P.S. Case No. 74 of 2018, registered under Sections 143, 144, 145, 186, 188, 323, 333, 353, 307, 379, 506 and 504 of the Indian Penal Code read with Section 27 of the Arms Act and Sections 4/40(8)/18(D) of the Bihar Mines and Minerals Act.

The accusation is that the informant along with other police personal was on special drive against illegal mining on 05.02.2018 and reached near Chandralay and started seizing the sand loaded trucks. In that course, mob of 200 to 250 persons started pelting stones against the police official, in which, police party sustained injury.



Learned counsel for the petitioner submits that while the petitioners are named in the F.I.R. but no specific overt act has been attributed against them. Further submission is that petitioner are neither the owner nor the driver of truck and they have no criminal antecedent. It is further submitted that similarly situated co-accused, namely, Pankaj Chaudhary and Sachchidanand Singh @ Sachchitanand Choudhary, have already been granted privilege of pre-arrest bail by a bench this Court vide order dated 28.05.2018 passed in Criminal Misc. No. 25064 of 2018.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 74 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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