

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.13864 of 2019

Arising Out of PS. Case No.-1015 Year-2018 Thana- BIHTA District- Patna

ANIL RAI son of Lal Chand Rai Resident of Haldi Chapra, Badal Tola, P.S.
Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Verma

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bihta P.S. Case No. 1015 of 2018 registered for the offence
punishable under Sections 307, 353 and 34 of the Indian Penal
Code, Sections 4 & 40 of the Bihar Minor Mineral Concession
Rules, 1972, Sections 3, 6 & 8 of the Bihar Minerals
(Prevention of Illegal Mining, Transportation and Storage)
Rules, 2003 and Section 27 of the Arms Act.

The allegation is regarding the informant along with
other officials having found a big boat laden with illegal mining
sand whereafter the Police had apprehended the same and
interrogated the persons on boat and it was found that illegal
mining was being conducted by one Lal Babu. It is further
alleged that the Police had subsequently conducted raid at the
place where the persons involved in illegal mining were staying
and the said accused persons are said to have fired on the police



personnel, however, 11 accused persons including the petitioner herein were arrested.

The learned counsel for the petitioner submits that neither any incriminating article has been recovered from the petitioner nor any sort of arms has been recovered from the petitioner so as to implicate the petitioner with the alleged crime. It is further submitted that the petitioner has a clean antecedent and is languishing in custody since 13.09.2018. Lastly, it is submitted that similarly situated co-accused persons have been granted bail by a coordinate Bench of this Court vide order dated 11.12.2018 passed in Criminal Misc. No. 74168 of 2018.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur in connection with Bihta P.S. Case No. 1015 of 2018.

(Mohit Kumar Shah, J)

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