

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49775 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- GRIYAK District- Nalanda

1. Rajeev Kumar Son of Bipin Singh Resident of Village- Karauna, P.S.- Katrisarai, District- Nalanda.
2. Deepak Kumar Son of Late Sinehi Singh Resident of Village- Karauna, P.S.- Katrisarai, District- Nalanda.
3. Banti Singh Son of Ram Ratan Singh Resident of Village- Karauna, P.S.- Katrisarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in connection with
Giriak P.S. Case No. 101 of 2019 registered for the offence
punishable under Sections 147, 148, 149, 307, 323, 379, 384,
504, 506 of the Indian Penal Code and Section 27 of the Arms
Act.

Mahadeo Enclave Private Company Ltd. Jaipur
Rajasthan has taken contract of mining the sand of District
Nalanda. Informant happens to be its Manager and on the date of
occurrence while JCB machine of the Company was loading the



sand on the truck, in the meantime, petitioners along with three other named accused and 8-10 unknown miscreants armed with lathi, danda etc. arrived there and started slating him over not allowing them to run illegal mining of sand. They assaulted him by means of lathi, danda and one of the accused assaulted on his head by means of butt of the pistol and they took away Rs. 15,000/- from his pocket and demanded extortion of Rs. 10 lacs for carrying business at the aforesaid place.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. As a matter of fact, machine of the said company was mining the sand exceeding the area of contract and also digging soil of the adjoining land of villager, and on protest made by them, the informant has lodged this false and frivolous case against the petitioners and others. Allegation levelled against the petitioners is not specific rather general and omnibus in nature. Informant has not sustained any injury in the occurrence. Allegation of theft and extortion of money is super addition. Petitioners have no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In 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 learned C.J.M. Nalanda at Biharsharif in connection with Giriak P.S. Case No. 101 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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