

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73262 of 2018

Arising Out of PS. Case No.-168 Year-2017 Thana- DHURAIYA District- Banka

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1. Sawan Kumar Mandal, Son of Uday Mandal
 2. Uday Mandal, Son of Late Binodi Prasad Mandal @ Prasad Mandal. Both the Resident of Village-Gachiya, Police Station Dhoriaya, Distt.-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri

For the Opposite Party/s : Mr. Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 379/411/353/34 of the IPC.

The prosecution case, as per the written report of Dinesh Kumar Singh, A.S.I. of Dhoriaya P.S. submitted to the Station House Officer, Dhoriaya Police Station, is to the effect that on 23.08.2017 at about 05.45 P.M. during patrolling a tractor was intercepted, loaded with illegal mined sand. After seeing the police party, all the accused persons escaped from the scene. It



is further alleged that the petitioners tried to obstruct the police personnel when they were bringing the tractor in question to police station.

It is submitted by learned counsel for the petitioners that the accusation levelled against the petitioner is omnibus and general in nature. The petitioner is neither connected with the tractor or the sand in question. The accusation is against the mob. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that due to illegal mining, there is huge loss to the public exchequer.

Considering the fact that the accusation is omnibus and general and there is no specific accusation against the petitioners, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 **C.J.M., Banka** in connection with **Dhoraiya P.S. Case**



No. 168 of 2017, subject to the condition as laid down under
Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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