

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65877 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- KIUL District- Lakhisarai

1. Mithilesh Kumar @ Mithilesh Yadav S/O Satan Yadav @ Satyanarayan Yadav @ Satyanarayan Yadav Resident of Village- Itahri, Police Station- Kiul, District- Lakhisarai.
2. Rajesh Kumar S/O Satan Yadav @ Satyanarayan Yadav @ Satyanarayan Yadav Resident of Village- Itahri, Police Station- Kiul, District- Lakhisarai.
3. Bihari Yadav @ Rasbihari Yadav Son of Mohan Yadav Resident of Village- Itahri, Police Station- Kiul, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Irshad, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-11-2019 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioners apprehend their arrest in connection with Kiul P.S. Case No. 37 of 2019 for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 337, 427, 353, 504, 506 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984.

The case of the prosecution in brief is that the police personnel had proceeded to the place of occurrence for preventing illegal sand mining and when they had reached at Lakhochak Durga Asthan, they saw 3-4 tractors loaded with



illegal sand, coming from main road and several accused persons on various motorcycles were following the tractor and were escorting the tractors. These persons are said to be belonging to the sand Mafia. It is further alleged that when the police had tried to prevent the accused persons from taking away the illegal sand loaded tractor, scuffle had taken place in between the police personnel and the accused persons and the police vehicles were also set on fire and subsequently the name of the accused persons were disclosed by the village chowkidar.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case inasmuch as neither any of the tractors in question belong to the petitioners nor any specific overt act has been alleged as far as the petitioners are concerned. The petitioners are stated to be having clean antecedent.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners above named shall be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st – cum- Special Judge, Lakhisarai in connection with



Kiul P.S. Case No. 37 of 2019, subject to the conditions laid
down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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