

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80775 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- BARUN District- Aurangabad

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1. Rishi Kumar, (M), aged about 30 years, Son of Ramji Singh @ Ramjee Singh, Resident of Village - Khaira, P.S.- Barun, District – Aurangabad.
 2. Yashwant Kumar Mandal @ Mandal Kumar, (M), aged about 35 years, Son of Vijay Kumar Singh, Resident of Village - Khaira, P.S.- Barun, District – Aurangabad.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Mines and Mineral Department, Bihar, Patna.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Ashok Kumar Singh, Advocate.
For the State	:	Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-12-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 149, 341, 323, 186, 333, 379, 353, 307, 420, 411, 504, 506, 427 of the IPC, 4/40 B.M.C.R. Rules 15 of Environmental Protection Act.

The prosecution story, in brief, is that on 07.04.2019 the informant alongwith other officials of Mines Department and the police party conducted a raid against illegal mining and transportation of sand. At about 17.55 hours, the informant received a confidential information with regard to loading of



sand by *Pokeline* Machine by some persons. The informant alongwith other police personnels proceeded from the police station at 18.00 hours and reached near the house of Bhola Singh at 6.30 hours and saw a mob of 200 people. When the informant tried to make a raid, the mob stopped them from doing the same, abused and assaulted them with brick bat, by pelting stones. The persons in the mob removed the machine and *Hiwa* Truck from the place of occurrence. The information was given to the high officials. The high officials came on spot alongwith other police personnels and Bhola Singh alongwith 18 others were identified and 150 other persons who have abused and assaulted the police and were involved in illegal loading of sand.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The petitioners are not named in the F.I.R. Other co-accused have been granted anticipatory bail by another Co-ordinate Benches of this Court vide Cr. Misc. No.



43915 of 2019 under order dated 17.07.2019 and Cr. Misc. No. 53659 of 2019 under order dated 27.08.2019.

On behalf of the State, it is submitted that the petitioners are not named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, in connection with Barun P.S. Case No. 86/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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