

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4764 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- SURYAGARHA District- Lakhisarai

JAGARNATH RAM @ JAGANNATH RAM, Son of Naresh Ram, Resident
of Village - Ramshir, P.S.- Chanan, Distt - 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. Aditya Narayan Singh.1, APP Mr. Naresh Dixhit, Special P.P., Mines

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 279, 353, 337, 307, 427 and 379/411 of the Indian Penal Code, Rules 4/40 of the Bihar Minor Mineral Concession Rules, Rules 4, 6, 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003 and Section 15 of the Environment (Protection) Act, 1986.

The prosecution case as per the written report of Brijlala Prasad, S.I. of Police submitted to the S.H.O., Suryagarha Police Station is to the effect that on 22.06.2019 at 5.00 P.M. during the checking of illegal mining and transportation, it is found that



15-16 tractors with attached trailers coming towards N.H.80 after loading sand illegally from Kiul's river. Thereafter, the police signaled the drivers of the said vehicles to stop, but the drivers of the said vehicle started driving the vehicle speedily and negligently and escaped from the scene. However, one tractor lost its balance and overturned. The police seized the tractor, but subsequently, a mob of hundred person came and started pelting bricks and stones on the police party and took away the tractor with the help of the driver, leading to registration of FIR against 51 named, including the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is not the owner of the seized tractor and co-accused, Budhan Yadav and Bishtu Yadav have been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 22.09.2019, passed in Criminal Miscellaneous No. 60791 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned Special P. P. Mines that the petitioner and others while forming the unlawful assembly assaulted the police personnel and obstructed them in discharging the official duties, as a result, several persons received injuries, hence, the case has been lodged under Section



307 of the I.P.C apart from the other provisions of I.P.C. Moreover, due to illegal mining huge loss is being caused to public exchequer.

Considering the accusation being omnibus and general, co-accused have been granted anticipatory bail by a Co-ordinate bench of this Court and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Lakhisarai, in connection with Surajgarha P.S. Case No.184 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

