

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5917 of 2020**

Arising Out of PS. Case No.-51 Year-2019 Thana- ALIPUR District- Gaya

1. MUKESH SHARMA S/o Ramashish Sharma @ Sipahi R/o village- Murhara, P.S.- Shakurabad, District- Jehanabad
2. Dara Sharma S/o Ramashish Sharma @ Sipahi R/o village- Murhara, P.S.- Shakurabad, District- Jehanabad
3. Gautam Kumar @ Gautam Sharma S/o Ramashish Sharma @ Sipahi R/o village- Murhara, P.S.- Shakurabad, District- Jehanabad
4. Nitish Kumar @ Dipu S/o Vijendra Sharma @ Vijendra Kumar R/o village- Gangati, P.S.- Main, District- Gaya
5. Saket Kumar @ Nipu Sharma @ Nipu S/o Vijendra Sharma @ Vijendra Kumar R/o village- Gangati, P.S.- Main, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 31-08-2020 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Alipur P.S. Case No.51/2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 504, 506, 414 and 225 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a case of false implication of the petitioners. The informant who is a police officer has alleged that in course of patrolling on getting



information that some persons are lifting illegal sand when he reached on the place of occurrence he saw that some persons are lifting the sand on tractor. On looking the police party, it is alleged that they started fleeing but one person was caught hold of whereupon the other accused persons named in the FIR started abusing and pelting stones on the police party and forcibly took away the arrested accused. They also allegedly attacked on the police party.

Learned counsel submits that no such occurrence as alleged has taken place and only for purpose of extorting money from the truck drivers who are loading sand, the present case has been lodged and altogether 20 persons have been made accused. It is also submitted that although they are allegations of pelting stones upon the police party, nobody has suffered any injury.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. It is pointed out from paragraph '3' of the application that all the petitioners have got criminal antecedent of two cases and petitioner no.4 has got an additional case as stated in paragraph '3'. It is submitted that there is no statement in paragraph '3' as to whether the petitioners are on bail in these cases. Further it is pointed out that materials have come in the case diary that two tractors belong to one Ramashish Sharma, the petitioner nos.1, 2 and 3 are own brothers and they are sons of



said Ramashish Sharma. It is further submitted that considering the materials available on the record and the criminal antecedent, the petitioners do not deserve privilege of anticipatory bail.

At this stage, learned counsel for the petitioners has informed that the petitioners are not on bail in the cases reported in para-3.

Considering the facts and circumstances of the case, the nature of accusation, the materials pointed out from the case diary suggesting that they are involved in illegal extraction of sand and the criminal antecedent of the petitioners in the case and that they are not on bail in those cases, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. Prayer is, thus, refused.

In case the petitioners surrender and pray for regular bail in the court below within four weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

