

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10806 of 2020

Arising Out of PS. Case No.-299 Year-2017 Thana- DEHRI TOWN District- Rohtas

1. MOTI SINGH @ MOTI YADAV Son of Kedar Singh Resident of Village- Gopi Bigha, P.O.- Jamuhar, P.S.- Dehri (T), District- Rohtas.
2. Baijnath Singh @ Parihari Yadav @ Payhari Jado Son of Late Indradeo Singh Resident of Village- Gopi Bigha, P.O.- Jamuhar, P.S.- Dehri (T), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-07-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor representing the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Dehri (T) Police Station Case No. 299 of 2017, disclosing offences under Sections 147/148/353/427 of the Indian Penal Code, Section 40 (i) of the B.M. Act, Sections 40(1-A)/21(i) of the D. E. Act and Sections 33/41/42 of the Forest Act.

The prosecution case, as per the First Information Report, is that the police, on the basis of the secret information that illegal mining of stone chips were being done at Gopi Bigha, proceeded towards the place of occurrence and found



two tractors, one J.C.B. machine, crusher machine and one old generator were being used in the crushing of stone, which were seized by the police. It has further been alleged that some villagers and chowkidar disclosed the name of the petitioners along with 33 other named accused persons as well as 100-150 unknown persons, who were engaged in the business of illegal mining.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as the petitioners are not engaged in the business of mining or crushing of stones. He further submits that the JCB machine and other materials seized by the police do not belong to the petitioners and in course of investigation, it has not come to light that the petitioners are the proprietor or owner of the materials seized by the police and/or the owner of the crusher unit. He further submits that similarly situated co-accused person has been granted bail by this Court in Criminal Misc. No. 48960 of 2017.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that no specific allegation has been levelled against the petitioners, no incriminating material has been recovered from the possession



of the petitioners and similarly situated co-accused person has been granted bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Dehri, Rohtas, in connection with Dehri (T) Police Station Case No. 299 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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