

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14264 of 2020

Arising Out of PS. Case No.-148 Year-2017 Thana- TEKARI District- Gaya

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1. Upendra Kumar Son of Bhajju Yadav Resident of Village - Chakmath, P.S.- Tekari, Distt.- Gaya.
 2. Dharmendra Kewat @ Dharmendra Nishad @ Dhamendra Kumar Son of Yogi Nishad Resident of Village - Chakmath, P.S.- Tekari, Distt.- Gaya.
 3. Tenni Yadav @ Teni Yadav Son of Ramdeo Yadav Resident of Village - Chakmath, P.S.- Tekari, Distt.- Gaya.
 4. Ravindra Yadav Son of Bhajju Yadav Resident of Village - Chakmath, P.S.- Tekari, Distt.- Gaya.
 5. Bhajju Yadav Son of Ram Kishun Yadav Resident of Village - Chakmath, P.S.- Tekari, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Lilawati Singh, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-09-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Tekari P.S. Case No. 148 of 2017 registered for the offences punishable under Sections 147, 148, 149, 353, 341, 342, 323, 307, 504, 506 and 109 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons and 60-70 unknown persons started assaulting the inspecting team and disturbed them whey they had gone to the sit where illegal mining was allegedly taking place.



It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Relating to lifting of sand from the bank of the river, a number of cases were instituted between the parties i.e. between 04.04.2017 to 12.04.2017. The petitioners are not named in the F.I.R. In the F.I.R., three persons are named along with 60-70 unknown persons relating to a particular village. No specific allegation has been made nor any specific overt act has been alleged against the petitioners. General and omnibus allegation has been made.

Learned counsel for the petitioner submits that similarly situated co-accused have been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 03.07.2020 passed in Cr. Misc. No.14018 of 2020 and vide order dated 19.09.2019 passed in Cr. Misc. No.42239 of 2019.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/-



(twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VIth, Gaya in connection with Tekari P.S. Case No. 148 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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