

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14018 of 2020

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

1. Pintu Mian Son of Ishaque Mian Resident of Village - Chakmath, P.S.- Tekari, District- Gaya
2. Nagendra Kumar @ Narendra Kumar Son of Naresh Yadav Resident of Village - Chakmath, P.S.- Tekari, District- Gaya
3. Dhanjay Yadav @ Dhananjay Yadav Son of Ramaudit Yadav Resident of Village - Chakmath, P.S.- Tekari, District- Gaya
4. Rafik Mian @ Rafique Ansari Son of Ishaque Mian Resident of Village - Chakmath, P.S.- Tekari, District- Gaya
5. Butta Mian Son of Jumrati Mian Resident of Village - Chakmath, P.S.- Tekari, District- Gaya
6. Munna Yadav Son of Shri Kishun Yadav Resident of Village - Chakmath, P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-07-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered 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 when they had gone to the site 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.

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

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on



anticipatory bail on their personal bond to the satisfaction of A.C.J.M. VIth, Gaya in connection with Tekari P.S. case No.148 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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