

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15014 of 2020

Arising Out of PS. Case No.-288 Year-2016 Thana- DEHRI TOWN District- Rohtas

1. Markandey Singh Son of Late Jagarnath Singh Resident of Village - GopiBigha, P.O.- Jamuhar, P.S.- Dehri (Town), District- Rohtas
2. Ramesh Singh @ Ramesh Yadav Son of Mr. Vishwnath Singh Resident of Village - GopiBigha, P.O.- Jamuhar, P.S.- Dehri (Town), District- Rohtas
3. Ajay Singh Son of Mr. Shivnandan Singh Resident of Village - GopiBigha, P.O.- Jamuhar, P.S.- Dehri (Town), District- Rohtas
4. Vijay Singh Son of Mr. Bhaiyaram Singh Resident of Village - GopiBigha, P.O.- Jamuhar, P.S.- Dehri (Town), 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.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 01-09-2020 Heard learned counsel for petitioners as well as learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in Dehri (Town) P.S. Case No. 288 of 2016 registered for the offence under Sections 147, 149, 337, 353, 379 & 411 of the Indian Penal Code, Section 40(i) of B.M. Act, Sections 4(1-a) & 21(i) of D.E. Act, Sections 33, 41 & 42 of Indian Forest Act and Sections 47(a)(e) & 50 of Bihar Prohibition and Excise Act, 2016.

As per FIR, it is alleged that petitioners alongwith other 32 persons are involved in illegal mining and crushing



activities. The police party has also recovered 7 litres of country-made liquor from the spot.

It is submitted on behalf of petitioners that petitioners have committed no offence and they have falsely been implicated in this case. There is general and omnibus allegation. No incriminating article has been recovered from the possession of petitioners. Neither any crusher machine nor any alleged vehicle belongs to petitioners. It is further submitted that Section 100 Cr.P.C. has not been followed with respect to search and seizure. It is further submitted that some of the similarly situated co-accused have already been granted bail by this Court.

However, learned A.P.P. for the State has vehemently opposed the prayer for bail and submitted that petitioner no. 1 and 2 have got criminal antecedent of similar nature.

Considering the aforesaid facts and circumstances, the bail application of petitioner no. 1 (Markandey Singh) and petitioner no. 2 (Ramesh Singh @ Ramesh Yadav) stands rejected.

So far as petitioner no. 3 and 4 are concerned, since there is general and omnibus allegation against them and they are having clean antecedent, the anticipatory bail in respect of



petitioner no. 3 and 4 is allowed.

Accordingly, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the petitioner no. 3 and 4 namely Ajay Singh and Vijay Singh be enlarged 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 Additional Sessions Judge-II cum Special Judge (Excise), Sasaram, Rohtas in connection with Dehri (Town) P.S. Case No. 288 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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