

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6781 of 2020

Arising Out of PS. Case No.-425 Year-2015 Thana- DEHRI TOWN District- Rohtas

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1. MARKANDEY KUMAR @ AMRENDRA KUMAR SINGH @ AMRENDRA KUMAR S/o Jagarnath Yadav
 2. Ramesh Kumar S/o Vishwanath Yadav @ Vishwnath Singh
 3. Pappu Yadav @ Vinod Kumar S/o Bali Yadav
 4. Moti Yadav @ Moti Singh S/o Kedar Singh
All R/o village- Gopibigha, P.S.- Dehri Town, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 25-02-2021 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 147, 149, 341, 337, 332, 353, 307 of the Indian Penal Code, Section, 4(1-a), 21(1) DE Act, 40(1) of BM Act (Bihar Minor Mineral Concession Rules), Sections 33, 41, 42 of the Indian Forest Act and Section 5 of Explosive Substance Act.

Informant is a police officer who has has alleged that on 11.09.2015 he along with team constituted of police personnel, Forest Divisional Officer and Excavation Officer,



Sasaram, arrived at about 7 :30 A.M., in Village Gopi Bigha and started to demolish running illegal crusher and also broke the lock of closed room situated in crusher Mandi and in course of search, 48 pieces of detonator concealed and kept in the room were recovered. On query, from people of vicinity, the name of the owner of closed room could not be known but it came to the light that the same room relates to illegal owner of crusher.

After search while raiding team started to go from there, public at large present there assaulted on the raiding party by throwing stones upon them, however, on chase by the police, they managed to flee away and local persons told the name of illegal crusher owners indulging in illegal business as Ramashraya Singh, Bhole Shanker, Dhananjay Singh, Ramesh Kumar (petitioner), Markenday Kumar (petitioner), Kamlesh Kumar, Pappu Yadav(petitioner), Kamal Gupta, Bahadur Yadav, Gopal Yadav, Moti Yadav (petitioner) and 50 land owners on whose lands illegal crusher was running and 100-150 unknown people involved in assault on police force.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case due to animosity and village rivalry. The petitioners have got no concern with seized articles or illegal mining. Petitioners



are not owners of land over which illegal crusher has been established.

It is further submitted that there is general and omnibus allegation against the petitioners and even it is not clear from the FIR that who has disclosed the names of the petitioners and as a matter of fact, petitioners were not present at the place of occurrence. No one has suffered any injury. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dehri (T) P.S. Case No. 425/2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate during investigation and shall appear before I.O. whenever required and shall be



represented on each and every date fixed by the court and their absence on two consecutive dates without proper and valid reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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