

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33943 of 2020

Arising out of PS. Case No.-87 Year-2020 Thana- BARUN District- Aurangabad

1. Shravan Kumar @ Sharvan Kumar, aged about 26 years, Gender-Male, S/o Ramesh Singh R/o village- Barun Khemda, P.S.- Barun, District- Aurangabad.
2. Akhilesh Singh, aged about 37 years, Gender-Male, S/o Nathuni Singh R/o village- Narari Kalan, P.S.- Narari Kala Khurd, District- Aurnagbad.
3. Chhotu Kumar, aged about 20 years, Gender-Male, S/o Kailash Singh R/o village- Narari Kalan, P.S.- Narari Kala Khurd, District- Aurnagbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prashad Singh, Sr. Advocate with Mr. Bhaskar Shankar, Advocate
For the State	:	Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Krishna Prashad Singh, learned senior counsel along with Mr. Bhaskar Shankar, learned counsel for the petitioners and Ms. Suman Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Barun PS Case No. 87 of 2020 dated 03.06.2020, instituted under Sections 379, 353, 337, 323, 504, 506, 341, 147 and 149 of the Indian Penal Code.



4. The allegation against the petitioners is that they had attacked the informant, who was the District Mining Development Officer, while he was trying to stop a tractor on which sand was loaded and on demand of chalan, had fled away after abandoning one mobile set. It is further alleged that 10-15 persons started pelting stones and the local police station was informed which had reached the place of incident where one Pulsar motorcycle was also recovered along with the sand loaded tractor.

5. Learned counsel for the petitioners submitted that the petitioner no.1 is the owner of the tractor whereas petitioner no. 2 is the owner of the Pulsar motorcycle said to have been recovered from the spot and the petitioner no. 3 is the owner of the mobile phone. It was submitted that the seizure list does not contain the name or signature of any independent witness and all are police constables, even though the incident is alleged to have taken place in broad day light where several persons were present. Learned counsel submitted that actually soil was being carried from the land of one Uday Kumar Singh for filling the ditch of *Devi Asthan* of the village where police had come and made lathi charge due to which there was stampede and persons had to run away. It was further submitted that though the case has been lodged by the District Mining Development Officer, but surprisingly no case has



been lodged under Section 40(1) of the Bihar Mines and Mineral Act, if at all, it was correct that the sand was being illegally taken.

6. Learned APP submitted that the officer had lodged the case specifically for the vandalism resorted to by the petitioners by attacking the informant. It was further submitted that since they had no papers to show, they had resorted to this type of act, for otherwise if they had shown the papers, there was no occasion for the officer to detain the tractor. Learned counsel submitted that such type of incident besides being common, also creates demoralization and panic in the officials who are to enforce the laws, especially environmental laws, which are blatantly flouted. Learned counsel submitted that the Court may not grant any indulgence to such perpetrators.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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