

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7391 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- CHANDI District- Bhojpur

1. USHA DEVI W/o- Rajesh Kumar Gupta R/o Village- Akhgawan, P.S.- Sandesh, District- Bhojpur.
2. Sunil Kumar S/o Suresh Sah R/o Village- Akhgawan, P.S.- Sandesh, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021

Heard.

The petitioners apprehend their arrest in connection with Chandi P.S. Case No. 45 of 2020 for the offence punishable under Sections 379, 406, 420 of the Indian Penal Code and Bihar Mineral (Concession Prevention of illegal mining, transportation & storage) rules 2019, 11 and 56(i) Act and Storage).

At the out set, the learned counsel for the petitioners has pointed out that the impugned order dated 27.08.2020, passed in Anticipatory Bail Petition No. 1348 of 2020, by the learned court of 14th Additional Sessions Judge, Bhojpur, Ara, qua the petitioners herein, has not been passed on merits. Thus, it is submitted that the learned court below be directed to consider the case of the petitioners for grant of anticipatory bail on merits.

Having regard to the facts and circumstances of the case, this Court finds that the case of the petitioners for grant of



anticipatory bail has not been adjudicated on merits, thus, the same requires reconsideration by the learned court below. In such view of the matter, the petitioners are granted liberty to file appropriate anticipatory bail petition before the learned court below in connection with Chandi P.S. Case No. 45 of 2020 for the offence punishable under Sections 379, 406, 420 of the Indian Penal Code and Rule 11/56(I) of the Bihar Mineral (Concession, Prevention of illegal mining, transportation & storage) Rules 2019, within a period of three weeks from today, which is directed to be heard and decided within a period of one week thereafter, on merits.

It is needless to state that for a period of four weeks from today, no coercive steps shall be taken against the petitioner in connection with Chandi P.S. Case No. 45 of 2020.

At this juncture, the learned counsel for the petitioners submits that other co-accused persons have already been granted anticipatory bail.

The present petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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