

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37109 of 2020

Arising Out of PS. Case No.-538 Year-2019 Thana- AMARPUR District- Banka

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1. Birendra Kumar Yadav @ Birendra Yadav, aged about 29 years, M, son of Manu Yadav, Resident of Village - Mahgama Janakpur, P.S. - Amarpur, District – Banka.
 2. Vikash Yadav @ Viko Yadav, aged about 27 years, Son of Domi Yadav @ Doman Yadav, Resident of Village - Mahgama Janakpur, P.S. - Amarpur, District – Banka.
 3. Dhirendra Yadav @ Dhiran Yadav, aged about 41 years, Son of Manu Yadav, Resident of Village - Mahgama Janakpur, P.S. - Amarpur, District – Banka.

... .. Petitioners

Versus

1. The State of Bihar.
2. The State of Bihar, through the Secretary, Department of Bihar, Mines and Mineral, Bihar, Patna.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Ranjan Kumar Jha, Advocate.
For the State : Mr. Anuj Kumar Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 307, 332, 333, 353, 379, 411, 427, 504, 506 of the I.P.C., 27 of the Arms Act and Bihar Mines Prevention Illegal



Transpiration and Storage Act, 2018, Section 56 MM (D&R) Act, 1957, Sections 21 and 15 of the Environment Protection Act, 1986.

The prosecution story, in brief, is that when the informant and other police officials went at the place of occurrence where the illegal sand was transporting and stored, accused persons started firing and pelted stones on the police party. When the police party asked them to stop throwing stones, they started throwing stones fastly. In the meantime, 60-70 persons armed with Lathi, Danda, Khanti, pistols and some other weapons came and attacked on the police party and injured to some of them. The police party also made counter firing in order to save themselves as well as to save their weapons. The miscreants also damaged the vehicles of the police party. The informant came to know from the local chaukidar that in the alleged occurrence, Dhiran Yadav, Fantus Yadav, Vikash Yadav, Birendra Yadav and other persons were involved in which Fantus Yadav has sustained bullet injury and has been brought by the villagers for his treatment at Sadar Hospital, Banka.

It has been submitted by learned counsel for the petitioners that the petitioner no. 3 has got no criminal



antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The names of the petitioners have come in the present case on the basis of disclosure made by local Chaukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. No incriminating article is said to have been recovered from conscious possession of the petitioners.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M., Banka, in connection with Amarpur P.S. Case No. 538 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall



furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only
each with two sureties of the like amount each within a period
of eight weeks to the satisfaction of the court concerned in
connection with the aforesaid case.

(Sudhir Singh, J)

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