

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15853 of 2022**

Arising Out of PS. Case No.-184 Year-2019 Thana- SURYAGARHA District- Lakhisarai

SAUDI KUMAR @ SADANAND KUMAR Son of Namo Sao @ Anup
Prasad Sah Resident of Village - Saidpura, P.s.- Surajgarha, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 11-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 279, 353, 337, 307, 427, 379 and 411 of the IPC, section 4, 6 and 8 of BM (CPIMPTS) Rule 2003 and u/s 4, 40 of BMMC Rule 1972.

Allegedly, during checking, the police team tried to stop 15-16 tractors and trailers loaded with illegally mined sand and



stone chips. In due course, they started negligently driving the vehicles in order to crush them. It is further alleged that petitioner and other accused persons forming unlawful assembly tried to hinder the police party in discharging their duties.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. His name transpired in the case on the disclosure and identification of the local chowkidar. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent and similarly situated co-accused Budhan Yadav and Bishtu Yadav have been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 25.09.2019 passed in Cr. Misc. No.60791 of 2019.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that the petitioner is named in the FIR and there is allegation against him that he after making unlawful assembly has obstructed the police in discharging their duties. He is involved in pelting stones and bricks on the



police, due to which one police personnel has sustained injuries.

Having regard to the facts and circumstances of the case, since the petitioner was involved in the said offence, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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