

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62502 of 2021

Arising Out of PS. Case No.-459 Year-2021 Thana- HISUWA District- Nawada

Bhushan Yadav @ Shashi Bhushan Prasad S/O Ramroop Yadav @ Ramroop
Prasad R/O Village- Kahariya Beldari, P.S.- Hisua, District- Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68299 of 2021

Arising Out of PS. Case No.-459 Year-2021 Thana- HISUWA District- Nawada

1. Sharwan Kumar Son Of Naresh Yadav Resident Of Village - Kahariya Beldariya, P.S.- Hisua, District - Nawada.
2. Saheb @ Saheb Kumar @ Satyendra Yadav Son Of Dwarika Mahto Resident Of Village - Kahariya Beldariya, P.S.- Hisua, District - Nawada.
3. Jaikaran Kumar Son Of Satyendra Yadav Resident Of Village - Kahariya Beldariya, P.S.- Hisua, District - Nawada.
4. Anand Kumar Son Of Surendra Yadav Resident Of Village - Kahariya Beldariya, P.S.- Hisua, District - Nawada.
5. Bimlesh Kumar Son Of Shivcharan Yadav Resident Of Village - Kahariya Beldariya, P.S.- Hisua, District - Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62502 of 2021)

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 68299 of 2021)

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2022

CRIMINAL MISCELLANEOUS No.62502 of 2021

Heard learned counsel for the petitioner and learned



APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 323, 353, 188, 427, 269 and 504 of the Indian Penal Code and Section 3 of the Epidemic Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 16.08.2021, he along with Circle Officer reached the Beldariya sand ghat where on seeing the police, the driver of tractor loaded with illegal sand managed to escape and when the police after seizing the tractor was bringing it to the police station, when all of a sudden, 25-30 unknown miscreants, who were involved in sand mining started assembled and raised slogans against the administration and even blocked the road. It is next alleged that they were seen in violation of protocol of COVID-19 Pandemic. It is further alleged that the accused persons were obstructing in discharging of official duty. It is next alleged that persons, who were standing nearby to the place of occurrence identified the miscreants.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The allegation against him is general and omnibus in nature. It is



also submitted that petitioner was not even present at the place of occurrence and came to be falsely implicated by alleging general and omnibus allegation.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hisua P. S. Case No.459 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 68299 of 2021

The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application of petitioner no.1.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn against the petitioner no.1.



Heard learned counsel for the petitioners and learned APP for the State.

The petitioner nos.2, 3, 4 and 5 seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 323, 353, 188, 427, 269 and 504 of the Indian Penal Code and Section 3 of the Epidemic Act, 1897.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 16.08.2021, he along with Circle Officer reached the Beldariya sand ghat where on seeing the police, the driver of tractor loaded with illegal sand managed to escape and when the police after seizing the tractor was bringing it to the police station, when all of a sudden, 25-30 unknown miscreants, who were involved in sand mining started assembled and raised slogans against the administration and even blocked the road. It is next alleged that they were seen in violation of protocol of COVID-19 Pandemic. It is further alleged that the accused persons were obstructing in discharging of official duty. It is next alleged that persons, who were standing nearby to the place of occurrence identified the miscreants.



The learned counsel for the petitioners submits that petitioner has been falsely implicated in the present case. The allegation against them are general and omnibus in nature. It is also submitted that petitioners were not even present at the place of occurrence and came to be falsely implicated by alleging general and omnibus allegation.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos.2, 3, 4 and 5, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hisua P. S. Case No.459 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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