

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64664 of 2021

Arising Out of PS. Case No.-86 Year-2019 Thana- BARUN District- Aurangabad

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1. RAHUL KUMAR S/o Ramendra Sharma R/o Village - Jankop, P.S.-Barun, District- Aurangabad.
 2. Nawal Kishore Singh S/o Ramashray Singh R/o Village- Teri, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 186, 333, 379, 353, 307, 420, 411, 504, 506, 427 of the Indian Penal Code, Sections 4 and 40 of the Bihar Minor Mineral Concession Rules, 1972 and Section 15 of the Environmental Protection Act.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

The informant alleges that on 07.04.2019, at about 05:55 p.m., he received secret information about illegal mining of sand, accordingly, he reached near the place of occurrence



where nineteen named and 150 unknown persons including the petitioners were present and they started assaulting the police personnel with iron rod, lathi, bricks and stones and helped the loader machine and trucks to get away from the place of occurrence.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and they are not named in the FIR. It is next submitted that the FIR is of the year 2019 and in the year 2021 their name transpired during the course of investigation and the allegations are general and omnibus in nature. It is next submitted that similarly situated other co-accused, who had criminal antecedent, were granted anticipatory bail by a Coordinate Bench of this Court vide order dated 17.07.2019 passed in Cr. Misc. No. 43915 of 2019. It is next submitted that till date process under Section 82 Cr.P.C. has not been issued against the petitioners.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners and the fact that similarly situated other co-accused have been granted anticipatory bail and the process under Section 82 Cr.P.C. till date has not been issued,



the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Barun P.S. Case No. 86 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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