

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68124 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- TETERHAT District- Lakhisarai

1. SURESH SINGH Son of Late Baldev Singh Resident of village - Sharma, P.S.- Tatarhat, District - Lakhisarai.
2. Tittu Singh @ Bittu Kumar Son of Suresh Singh Resident of village - Sharma, P.S.- Tatarhat, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2022 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 143, 341, 342, 323, 337, 307, 353, 379 and 411 of the Indian Penal Code read with Sections 84 and 40 of the Bihar Mineral Minor Concession Rules and Sections 4, 6, and 8 of the Bihar Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2003.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that he received secret information that notorious



criminal Raman Singh was carrying out illegal mining of sand in Kiul River which is prohibited by the State Government, accordingly the informant reached the place of occurrence where it is alleged that on a motorcycle two sand bags were loaded and on seeing the police party, the accused persons fled away and one motorcycle as detailed in the FIR was seized. It is next alleged that thereafter 50-60 accused persons gathered and tried to forcibly snatch the motorcycle seized by the police and when the police tried to use force, they started pelting stones upon the police force and even assaulted police force causing injury to constable Prabhu Kumar Yadav and Constable Shripal sustained injury on his leg.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is submitted that allegation is of recovery of two sand bags which was kept on a motorcycle. Petitioner no.2 is the owner of the motorcycle, petitioner no.1 was the driver of the motorcycle and they had gone to Kiul river to get sand for personal use as such they had kept only two sand bags on the motorcycle.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the petitioners appear to be criminal in the real sense, it is next



submitted that if the petitioners wanted sand for their personal use they could have purchased it but they had gone to the place of occurrence where the State of Bihar has prohibited mining but still they were mining illegally.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners.

Their prayer for bail is thus rejected.

(Satyavrat Verma, J)

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