

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4340 of 2023

Arising Out of PS. Case No.-240 Year-2022 Thana- HISUWA District- Nawada

1. BALIRAM KUMAR YADAV @ BALIRAM KUMAR @ SANT YADAV
S/o Prabhu Prasad Yadav @ Prabhu Yadav R/o Village- Chitarghati,
Majhwe, P.S.- Hisua, Distt- Nawada.
2. PAPPU KUMAR @ PAPPU KUMAR YADAV @ GORELAL YADAV S/o
Late Suresh Prasad Yadav R/o Village- Majhwe, P.S.- Hisua, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-02-2023 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, 148, 149, 341,
323, 353, 504, 506 of the Indian Penal Code.

The prosecution story, in short, is that during course of
raid against illegal mining of sand, the informant along with
other police officials saw that near the Railway Bridge of
Dhadhar River, three illegally loaded tractors with sand were
started to flee away after seeing them. But one tractor along
with his driver was apprehended. And when police took the
driver to the police station, all the accused persons including the



petitioners armed with various weapons started opposing the police and blocked the road. They also pelted stones on the police force.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. No incriminating article or any material has been recovered either from the possession of the petitioners or from the house of the petitioners. The petitioners were not apprehended on the spot. They have no concern with the illegal mining of sand. On the alleged date of occurrence, neither the petitioners were present at the place of occurrence nor they have any concern with the apprehended co-accused person. Petitioner no.1 has one criminal antecedent whereas petitioner no.2 has three criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioners, let the above named petitioners, be released on bail, in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Hisua P.S. Case No.240 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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