

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9969 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- BARUN District- Aurangabad

BINOD SINGH SON OF MUKHA SINGH R/O VILLAGE- KHARJAMA,
P.S.- BARUN, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard Mr. Manoj Kumar Singh, learned counsel for

the petitioner and Mr. Shyameshwar Dayal, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends arrest in connection with Barun
P.S. Case No. 403 of 2022 dated 6.9.2022 registered for the
offence punishable under Sections 147, 148, 149, 353, 379, 411
of the Indian Penal Code, Sections 04(1-A)/21 of M.M.D.R.
Act, 1957 and Rules 11, 18, 43 and 56 of Bihar Minerals
(Concession, Prevention of Illegal Mining Transportation and
Storage) Rules.

As per the First Information Report, the raid was
conducted by the Police on the information that illegal mining,
storage and transportation of sand at Kharjama Mangarhiya was
being done and during course of the raid, the Police intercepted



several vehicles loaded with sand. Upon seeing the Police Party, the driver of the vehicles started fleeing away, however, two drivers were apprehended by the Police. In the meanwhile, 15 named accused persons and around 50 unknown persons having *lathi, danda* etc. in their hands started pelting stones over the Police personnel. It has further been alleged that the petitioner and others were involved in illegal mining of the sand.

Learned counsel for the petitioner submits that the petitioner is neither driver nor he was found carrying the sand extracted from the illegal mining. He has been made accused on the basis of disclosure of his name by the Police. The allegation against the petitioner is general and omnibus in nature. He further submits that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 74654 of 2022.

Regards being had to the submission made by the parties and taking into consideration the fact that the allegation against the petitioner is general and omnibus in nature, altogether 50 unknown and 15 named accused persons have been made accused in the present case and similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 74654 of 2022, I am inclined to grant



anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 403 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

