

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18838 of 2023

Arising Out of PS. Case No.-570 Year-2022 Thana- JAMUI District- Jamui

1. Pintu Yadav Son of Kishun Yadav R/O- Manjhwey P.S- Jamui Dist- Jamui
2. Hareram Mandal Son of Narayan Mandal R/O- Manjhwey P.S- Jamui Dist- Jamui
3. Ashok Yadav Son of Kisun Yadav R/O- Manjhwey P.S- Jamui Dist- Jamui
4. Riyaj @ Md. Riyaj Son of Late Md. Kasim R/O- Manjhwey P.S- Jamui Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2023 Heard Mr. Pankaj Kumar Sinha, learned counsel

appearing on behalf of the petitioners and Mr. Prem Kumar Jha,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Jamui P.S. Case No. 570 of 2022 registered for the offence punishable under Sections 188, 353, 341, 323, 307, 224, 225, 279, 420, 379, 411, 120(B) of the Indian Penal Code, Section 27 of the Arms Act, Section 21 MMDR, 56(ii) of the Mining Act and Section 15 of the Forest Act.

3. Prosecution story, in brief, is that in course of illegal sand mining, when the informant tried to restrain the



tractors, accused persons including the petitioners came armed with *lathi-danda* and other weapons and had started assaulting the police party due to which some police personnel sustained injury. Two empty cartridges were also recovered from the place of occurrence.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners have been dragged in the present case on the basis of general and omnibus allegation made in the FIR. Specific allegation of assault is against the Brahma @ Bambam Yadav, Raja Yadav and other co-accused named in the FIR. He further submitted that petitioners have no concern with the tractors used in the illegal sand mining nor they are, in any way, connected with the persons, who are involved in the illegal sand mining. On these grounds, petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as the fact that no specific allegation of assault has been made against the petitioners, I am of the opinion that petitioners have *prima facie* made out a case to be released on bail.



7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four 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 learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 570 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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