

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48942 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- LAXMIPUR District- Jamui

1. Rupa Yadav Son Of Rajendra Yadav@ Nago Yadav Resident Of Village- Tardih Gangra, Ps- Gidhaur, Dist- Jamui
2. Chandan Kumar Yadav @ Chandan Yadav Son Of Karu Yadav Resident Of Village- Tardih Gangra, Ps- Gidhaur, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Ramakant Akela, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 03-10-2023 Heard Mr. Dr. Ramakant Akela, learned counsel for the petitioners as well as Mr. Shyameshwar Dayal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Laxmipur (Gidhaur) P.S. Case No.245 of 2023, F.I.R. dated 28.05.2023 registered for the offence punishable under Sections 147, 341, 323, 353 of the Indian Penal Code, Section 21, MMDR Act 1957 and 56(2) Bihar Minerals (Concession Prevention of Illegal Mining Mining Transportation and Storage Rules 2019.



3. The prosecution case, in short, is that the informant received a secret information that one tractor coming with illegal sand and after that information, informant reached at the place of occurrence. After seeing the police the driver of the tractor started unloaded the sand and when the informant protested then 10-15 persons came and started obstructions. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioner no.1 has clean antecedent and petitioner no.2 has carried six criminal antecedents other than the present and the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. Further submits that petitioners are neither the driver nor the owner of the said vehicle and have no concern with the alleged recovery.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners stating that petitioners have identified by the local people and have indulged in the present crime.

6. Considering the nature of allegation alleged in the FIR, I am not inclined to enlarge the petitioners on anticipatory bail in connection with Laxmipur (Gidhaur) P.S. Case No.245 of



2023 pending in the court of learned Judicial Magistrate, Ist
Class, Jamui.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Prakash Narayan

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