

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52719 of 2022

Arising Out of PS. Case No.-595 Year-2015 Thana- SASARAM MUFFSIL District- Rohtas

1. MAJA KHAN @ AZAD KHAN Son of Samaru Khan @ Reyazuddin Khan Resident of Village - Amari, P.S. Sasaram (M), District - Rohtas.
2. Dilshad Khan S/o Nazir Khan Resident of Village - Amari, P.S. Sasaram (M), District - Rohtas.
3. Rajesh chanderbansi S/o Ashok Chanderbansi Resident of Village - Amari, P.S. Sasaram (M), District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54278 of 2022

Arising Out of PS. Case No.-595 Year-2015 Thana- SASARAM MUFFSIL District- Rohtas

1. GAFFAR ANSARI @ Galfad Ansari @ Shariful Ansari S/O MUSLIM ANSARI Resident of Village- Amari, P.S.- Sasaram (M), District- Rohtas
2. KARIMAN @ Ansul Ansari @ Anisul Haque Ansari S/O MUSLIM ANSARI Resident of Village- Amari, P.S.- Sasaram (M), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52719 of 2022)

For the Petitioner/s : Mr.Ajay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

(In CRIMINAL MISCELLANEOUS No. 54278 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioners and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the



office, be removed within four weeks.

The petitioners are apprehending arrest in connection with Sasaram (Muffasil) P.S. Case No. 595 of 2015 under sections 147, 148, 149, 323, 324, 326, 337, 338, 353, 307, 427, 379, 120(B) of the Indian Penal Code and Section 27 of the Arms Act and Section 4/40 of Bihar Mining Act and Rule 33/41/42 of the Forest Act.

As per the prosecution story, the police received confidential information about a loaded truck illegally carrying stone chips, the same was chased and intercepted. The driver have been managed to escape.

Further allegation is that when the truck was being taken to police station, 25-30 unknown persons attacked the police officials and also resorted to firing and prevented them from taking away the seized truck.

In the said melee, some police officials sustained injuries.

Learned counsel for the petitioners submits that although the matter is of 2015, a host of persons were made accuseds and the petitioners never came to know about it and when some villagers informed these petitioners about pending FIR, the petitioners herein.



The last submission is that some accused persons have since been granted relief (attached with the petition as Annexure-2 series).

The learned APP on the other hand opposes the prayer stating that they prevented the police officials from doing their duties.

Taking into account the aforesaid fact that omnibus allegation is/are against 25-30 persons, there is no specific allegation against these petitioners, some of the co-accuseds have been extended the relief, this Court is also inclined to grant them relief.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P.S. Case No. 595 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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