

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56282 of 2023

Arising Out of PS. Case No.-67 Year-2020 Thana- SANGRAMPUR District- East
Champaran

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1. Om Prakash Kumar @ Om Prakash Yadav @ Subhash Yadav Son Of Shiv Shankar Ray Resident Of Village- Manglapur, PS- Sangarampur, Distt- East Champaran
 2. Imteyaz Khan Son Of Naraj Khan Resident Of Village- Manglapur, PS- Sangarampur, Distt- East Champaran
 3. Nandan Singh @ Nandan Kumar Singh Son Of Kanhaiya Singh Resident Of Village- Manglapur, PS- Sangarampur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Sangrampur P.S. Case No. 67 of 2020 registered for the offences punishable under Sections 188, 269, 270, 271 and 353/34 of the Indian Penal Code and Section 51 of the Disaster Management Act, 2005 and Section 40 of the Bihar Mines and Minerals Rules, 1972.

3. Allegedly, while the tractors with trolley loaded with illegal mining sand were coming, in the meantime, the police intercepted the petitioners and tried to bring both the



vehicles to the police station. However, the FIR named accused persons created obstruction in discharging their official duty by blocking the road and fled away with the tractors.

4. Learned counsel for the petitioners submits that that omnibus allegation has been levelled against nine named accused persons and some unknown persons. Moreover, the FIR does not disclose the registration number of tractors and trolley, which are said to be taken away by the accused persons from the custody of the police. He further submits that considering the aforesaid fact, during the course of investigation, the petitioners have been allowed the benefits under Section 41(1) of the CrPC and, that apart, the other co-accused persons having identical allegation, have been allowed the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.04.2022 passed in Cr. Misc. No. 50202 of 2021.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons having similar allegation have been allowed the privilege of anticipatory bail and moreover during the course of investigation, the petitioners were granted protection under



Section 41(1) of the CrPC, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-14, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 67 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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