

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69939 of 2023

Arising Out of PS. Case No.-309 Year-2021 Thana- KHAIRA District- Jamui

1. KHIRU KUMAR @ KHIRU YADAV @ KHIRO YADAV @ SIRO YADAV
SON OF PRABHU YADAV RESIDENT OF VILLAGE - RAJAUN, P.S. -
KHAIRA, DISTRICT - JAMUI
2. NISHA KUMARI WIFE OF KHIRU KUMAR @ KHIRU YADAV
RESIDENT OF VILLAGE - RAJAUN, P.S. - KHAIRA, DISTRICT -
JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Opposite Party/s : Mrs.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Khaira P.S. Case No. 309 of 2021 registered for the offences punishable under Sections 353, 188, 504, 506, 379 of the IPC and Sections 411, 149, 147 of Bihar Minerals Prevention of Illegal Mining Act.

As per prosecution case, informant along with police team seized one tractor having no registration number along with trailer loaded with sand. It is further alleged that when police team moved with seized tractor along with trailer, petitioner and others made obstruction in performing the official



duty of police team and also abused them.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. The tractor and trailer in question do not belong to the petitioners. Petitioners were not present on the spot. Nothing was recovered from possession of the petitioners. Allegations are general and omnibus in nature. Petitioners have been falsely implicated in the present case as they have inimical term with the local chowkidar. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the aforesaid sections. Petitioners bear no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 309 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Alok Kumar Pandey, J)

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