

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68561 of 2022**

Arising Out of PS. Case No.-316 Year-2022 Thana- LAXMIPUR District- Jamui

1. Praveen Kumar @ Praveen Yadav Son of Mishri Yadav R/V- Dighra, P.S- Laxmipur, Dist- Jamui
2. Jitendra Kumar @ Jitendra Yadav Son of Nandu Yadav R/V- Dighra, P.S- Laxmipur, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      26-04-2023                      Heard learned counsel appearing on behalf of the parties.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehend their arrest in connection with Laxmipur/Gidhor P.S. Case No.316 of 2022 registered for the offences punishable under Sections 147, 148, 149, 353, 307, 332, 333, 427, 504, 379 and 511 of the Indian Penal Code, Sections 3 and 4 of the Prevention of Damage of Public Property Act, 1984 and MMDR Act 1957 and Section 21 of the Bihar Minerals (Concession Prevention of Illegal Mining Transportation & Storage) Rules,



2019, amendment Rules 2021, Rule 52(2).

The allegation against these petitioners is that they along with other co-accused persons said to have indulged in illegal mining of sand and when the police personnel came, they started pelting stone over police personnel to deter them to discharge their official functions.

Learned counsel appearing on behalf of the petitioners submitted that petitioners have falsely implicated in the present case, having general and omnibus allegation and they never indulged in illegal sand mining. It is also submitted that petitioners were identified by local *Chaukidar*, on the basis of suspicion. It is also submitted that similarly situated co-accused persons have already been granted anticipatory bail by different learned co-ordinate Bench of this Court vide Cr. Misc. No. 72072 of 2022 dated 17.03.2023, Cr. Misc. No. 70878 of 2022 dated 21.03.2023 and Cr. Misc. No.1558 of 2023 dated 03.04.2023, respectively. While concluding the argument, it is submitted that petitioners have no criminal antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case and by taking note of allegation which appears very much general and omnibus coupled with the fact that entire



allegation raised out of suspicion, accordingly, all above named petitioners, in the event of their arrest or surrender within a period of four weeks, from the date of order, are directed to be released on 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 the learned Judicial Magistrate- 1<sup>st</sup> Class, Jamui /concerned Court, where the case is pending in connection with Laxmipur/Gidhor P.S. Case No.316 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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