

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69953 of 2022

Arising Out of PS. Case No.-275 Year-2022 Thana- WARISLIGANJ District- Nawada

1. Mukesh Singh Son of Arjun Singh R/v- Mafi, P.S.- Warisaliganj, District- Nawada
2. Saurav Kumar Son of Rambilash Singh R/v- Mafi, P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-04-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

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 F.I.R and apprehend their arrest in connection with Warisaliganj P.S. Case No. 275 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 353, 307, 504, 188, 379, 413, 387 of the Indian Penal Code.

The allegation against both petitioners is to pelt stones on police vehicles, along with 30 to 35 unknown co-accused



persons, when informant was busy with checking vehicles at Mafi Mor, Bypass Area, District-Nawada to check illegal mining, sand storing and its overload transporting.

Learned counsel appearing on behalf of the petitioners submitted that the written complaints as pressed by Mine Development Officer, Nawada, appears to be registered the occurrence under Section 379 and 411 of the I.P.C. only along with certain rules of the State Government related with illegal mining activities but instead thereof the present case was registered for so many offences including under Section 353, 307 of the Indian Penal Code which is not appearing convincing on its face from the narration of FIR. It is submitted that name of these petitioners surfaced on the basis of the disclosure as made by local chowkidar, merely, on the basis of suspicion without having any connecting evidence. It is further submitted that no specific overt act appears to be attributed to these petitioners, whose names appear on the basis of secret input, as per FIR.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as implication of above named petitioners appears on the basis of suspicion, where name of these petitioners were disclosed on the



basis of secret input which is provided by local chowkidar, let both above named petitioners, in the event of their arrest or surrender within a period of four weeks, are directed to 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 the learned Additional Chief Judicial Magistrate-II, Nawada/concerned Court, in connection with Warisaliganj P.S. Case No. 275 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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