

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13026 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- POTHYA District- Kishanganj

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1. Soeedur @ Saidur @ Soeedur Rahman S/o Sukurdi
 2. Gulam Mortuja @ Gulab S/o Abdul Rahim

Both are R/o Village- Matiya Bhatta, P.S.- Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 14-03-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 332, 333, 307, 353, 336, 337, 338, 379, 411 of the IPC, Section 21 of the M.M.D.R. Act, 1957, Section 56 of Bihar Minerals (Concessional Prevention of illegal mining, Transportation and Store) Rules, 2019, Section 15 of Environment (Protection) Act, 1986.

3. The learned counsel for the petitioners submit that



petitioners are the person of clean antecedent and the informant alleges that on receiving information about illegal mining he along with a police force reached the place of occurrence when they saw the accused persons fleeing away, leaving behind their truck, further after 10-15 minutes a mob gathered and started pelting stones on the informant and the police force causing injury.

4. It is next alleged that the occurrence was videographed and based on the videography the petitioners were identified. The learned counsel submit that petitioners are not involved in illegal mining rather are resident of nearby place where lease of sand mining have been granted, as such when he heard commotion out of inquisitiveness he went to the place of occurrence to see as to why ruckus is being created and it might be a possibility that the petitioners got videographed.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioner above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Pothia P.S. Case No.262 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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