

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15035 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- MAIN P.S. District- Gaya

-
1. Sharvan Kumar Bhola, Son of Shyam Kishore Sharma
 2. Rupak Kumar @ Raghunath Kumar, Son of Jitendra Sharma
 3. Fulchun @ Rahul Kumar ,Son of Bhushan Sharma
- All are R/o Village- Kormathu, P.S.- Main, Dist.- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the

FIR and apprehending their arrest in connection with

Main P.S. Case No.119 of 2023 registered under

Sections 147, 148, 149, 341, 323, 332, 333, 353, 307,

504, 506, 279, 379, 411 of the Indian Penal Code and

Sections 4(1A)/21 of the Mines and Minerals (Regulation

and Development) Act, 1957, Section 21 of Bihar

Minerals Concession Prevention of illegal Mining,

Transportation & Storage Act, 2019 Rule 11/18 of BM



(CPIMTS) (Amendment) Act, 2021 Rule 56.

3. Allegation against the petitioners is to involve in illegal mining of sand and trade arising thereof, where to check such activities, a raid was conducted by police, where during the occurrence, petitioners along with other co-accused persons assaulted police personnel and, as such, also to deter them to discharge their official function, where petitioners during the course of occurrence, ran away with a tractor loaded with illegal sand.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners have been implicated falsely with present case without having any connecting evidence being residents of nearby locality. It is submitted that allegation of physical assault and to deter the police official is specifically available against co-accused Arbind Sharma @ Dablu and also one of the co-accused, namely, Navlesh Sharma, where the allegation against these petitioners is appearing very



much general and omnibus. While concluding the argument, it is submitted that petitioners are men of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, as allegation of physical assault is not available against these petitioners, where allegation to deter police official from discharging official duty is appearing very much general and omnibus against petitioner, accordingly, all above-named petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, 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 A.C.J.M.-II, Gaya in connection with Main P.S. Case No.119 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

