

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15133 of 2024

Arising Out of PS. Case No.-389 Year-2022 Thana- BELHAR District- Banka

Shubham Kumar @ Shubham Singh @ Shubham Kumar Singh S/O- Amar
Singh @ Amar Kumar Singh R/O- Village- Dubba, P.S.- Belhar, Dist.- Banka.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Pandey, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Belhar

P.S. Case No. 389 of 2022, registered for the offences

punishable under Sections 147, 148, 149, 341, 188,

337, 353, 427 of the Indian Penal Code.

3. The allegation against above named

petitioner is to involve in illegal mining and trading of

sand from Dubba Sand Ghat, alongwith co-accused

persons.

4. Learned counsel appearing on behalf of the



petitioner submitted that having information regarding illegal mining of sand, police raided Dubba Sand Ghat and as so, when they reached near to the house of one co-accused, namely, Dhrub Singh, 30-40 unknown persons including, petitioner alleged to started pelting stones upon the police raiding party, causing physical injuries and also alleged to damage police vehicles during the occurrence. It is submitted by learned counsel that the allegation against petitioner is very much general and omnibus in nature. It is submitted that no overt act attributed to petitioner *qua* pelting of stones or causing any physical injuries or even to damage the police vehicles. It is submitted that similarly situated co-accused persons have been granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 80168 of 2023 dated 29.01.2024. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.



6. Considering the aforesaid facts and circumstances and by taking note of fact, as allegation *qua* physical assault and also to deter the police officials from discharging their official functions is appearing *prima facie* very much general and omnibus in nature against petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Banka/concerned Court, where the case is pending in connection with Belhar P.S. Case No. 389 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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