

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21949 of 2024

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

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1. Arvind Sharma @ Dablu Sharma S/o Jairam Sharma R/o vill - Koyri Bigha, P.s. - Men, Distt. - Gaya
 2. Nawlesh Sharma S/o Jairam Sharma R/o vill - Koyri Bigha, P.s. - Men, Distt. - Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. At the outset, learned counsel for the petitioners

seeks permission to withdraw this application with regard to

petitioner no. 2 namely, Nawlesh Sharma.

3. Permission is granted.

4. This application is dismissed as withdrawn only

with regard to petitioner no. 2 namely, Nawlesh Sharma.

5. This application now survives only with respect

to petitioner no. 1 namely, Arvind Sharma @ Dablu Sharma,

who is named in the FIR and apprehending his 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.

6. It is submitted by learned counsel appearing on behalf of petitioner no. 1 that he has been falsely implicated in the present case due to criminal antecedent, as petitioner no. 1 has been involved in six more criminal cases out of local police atrocities, where he is on bail. It is submitted that allegation of physical assault is just to aggravate the allegation along with co-accused persons where no such injury was reported as the police personnel was not medically examined in this case. It is also pointed out that as the villagers and the brother of petitioner no. 1 protested the local police to receive illegal gratification for sand mining the present false implication was raised.

8. Learned APP for the State opposes the prayer



of anticipatory bail of petitioner no. 1.

9. In view of aforesaid factual submissions, as no physical injury appears to cause due to assault, as alleged, where allegation is not specific *qua* physical assault against petitioner and also to deter police officials from discharging their official duty, accordingly, above-named petitioner no.1 is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Gaya in connection with Men P.S. Case No.119 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and with further conditions:

“(i) Learned trial court/concerned court to verify out of record that where injury was caused to police personnel in terms of F.I.R. and if, it is so, the bail bond of petitioner no. 1 shall not be accepted.

(ii) That petitioner no.1 shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty



to move before the Trial Court itself for the cancellation of bail bond of the petitioner no.1.

(iii) Accused/Petitioner no.1 shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner no.1 duly supported by the documents.

(iv) That one of the bailors of the petitioner no.1 shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J.)

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