

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26382 of 2024

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

Golden Kumar @ Verma Ayush Niranjana Kumar, Son of Sanjay Kumar,
Resident of Village- Kormathu, Police Station- Men, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner 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.



3. Allegation against the petitioner 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, petitioner along with other co-accused persons assaulted police personnel and, as such, also to deter them to discharge their official function and petitioner during the course of occurrence itself, ran away with a tractor loaded with illegal sand.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner had been implicated falsely with present case without having any connecting evidence being resident of nearby locality. It is submitted that allegation of physical assault and to deter the police official is specifically available against Arbind Sharma @ Dablu and also one of the co-accused, namely, Navlesh Sharma, where the allegation against the petitioner is appearing very much general and omnibus. While concluding the argument, it is submitted that petitioner found involved in two more criminal case,



where he is on bail.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, as allegation of physical assault is not available against the petitioner, where allegation is appearing very much general and omnibus as to taken away truck loaded with sand, accordingly, the above-named petitioner 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, 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 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.)

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