

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31277 of 2024

Arising Out of PS. Case No.-1208 Year-2023 Thana- BIHTA District- Patna

Luv Kush Kumar @ Lov Kush Kumar, son of Rana Pratap @ Rana Pratap
Yadav, Village- Pandey Chak P.S.- Bihta, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31691 of 2024

Arising Out of PS. Case No.-1208 Year-2023 Thana- BIHTA District- Patna

Rana Pratap @ Rana Pratap Yadav, Son of Late Boudh Yadav, Village-
Pandey Chak, P.S.- Bihta Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31799 of 2024

Arising Out of PS. Case No.-1208 Year-2023 Thana- BIHTA District- Patna

1. Navlakh Yadav @ Navlakh Singh, Son of Late Bodh Yadav @ Late Baodh
Yadav, Resident of Village- Bindol, Pandeychak, P.S- Bihta, Dist- Patna
2. Bujhawan Yadav, Son of Late Baodh Yadav @ Late Bodh Yadav, Resident of
Village- Bindol, Pandeychak, P.S- Bihta, Dist- Patna
3. Indradev Yadav @ Indradeo Singh, Son of Late Bodh Yadav @ Baodh
Yadav, Resident of Village- Bindol, Pandeychak, P.S- Bihta, Dist- Patna
4. Jay Uday Yadav @ Ram Uday Yadav @ Ram Uday Prasad, Son of Indradev
Yadav, Resident of Village- Bindol, Pandeychak, P.S- Bihta, Dist- Patna
5. Loha Yadav @ Loha Kumar @ Aditya Kumar, Son of Jay Uday Yadav @
Ram Uday Yadav @ Ram Uday Prasad, Resident of Village- Bindol,
Pandeychak, P.S- Bihta, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer, Patna

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31277 of 2024)

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 31691 of 2024)



For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 31799 of 2024)
For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 22-05-2024 Heard learned counsels for the petitioners in **Cr. Misc. Nos. 31277 of 2024, 31691 of 2024, 31799 of 2024** and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bihta P.S. Case No. 1208 of 2023, instituted under Sections 379, 411, 147, 148, 149, 341, 353, 307, 114, 201, 224, 225 and 120 (B) of the Indian Penal Code.

3. As per the prosecution case, on getting information of illegal mining of sand at Sone River, informant/ Inspector along with police party reached at the bank of Sone River. Before reaching the raiding party, the accused persons fled away unloading the sand with their tractor. It is alleged that on the tip off *Chaukidar*, the raiding party reached at the house of accused Vikash Kumar and found 12 tractors out of which six tractors were loaded with sand. The informant asked for documents for the aforesaid sand but he did not produce any document. It is further alleged that petitioner Vikash Kumar requested the raiding party to not seize the tractor and when the raiding party did not stop accused Vikash Kumar along with Luv Kush



Kumar and F.I.R. named accused persons tried to stop them. The accused persons succeeded to flee away with the help of other unknown persons of the village. The accused persons also tried to kill the raiding party.

4. Learned counsel for the petitioner in **Cr. Misc. No. 31277 of 2024** submits that petitioner is innocent and has falsely been implicated in this case. The alleged tractors do not belong to the petitioner and has no concern with the loaded or unloaded tailors of the tractors. Petitioner and his family members have been implicated in this case by the local *Chaukidar* due to village politics. There is no injury to any policeman. Petitioner is residing in Patna for preparing competitive examination. He has no criminal antecedent. He undertakes to co-operate in the investigation. Learned counsel for the petitioner in **Cr. Misc. No. 31691 of 2024** submits that petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. He is a retired policeman. He has no criminal antecedent. Learned counsel for the petitioners in **Cr. Misc. No. 31799 of 2024** submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the possession or house of the petitioners. Petitioners have one criminal antecedent in



which they are on bail. Similarly situated co-accused, namely, Chhotu Kumar @ Ravi Shankar Kumar has already been granted anticipatory bail by the learned Court below.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners above-named in **Cr. Misc. Nos. 31277 of 2024, 31691 of 2024 and 31799 of 2024** be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with Bihta P.S. Case No. 1208 of 2023, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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