

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38188 of 2024

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

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1. Ranjay Kumar @ Ranjay Sharma, Son of Jagdish Sharma
 2. Nawlesh Sharma @ Nawlesh Kumar, Son of Late Jairam Sharma
- All are R/o vill.- Koyri Bigha, P.S.- Main, Distt.- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar, Advocate
		Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. This petition is limited with petitioners namely,

Ranjay Kumar @ Ranjay Sharma and Nawlesh Sharma @

Nawlesh Kumar.

3. The petitioners seek bail in connection with

Main P.S. Case No.119 of 2023 registered for the offences

punishable 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 the

Bihar Mineral Concession Prevention of illegal Mining,



Transportation and Storage Act, 2019, Rule 11/18 of BM
(CPIMTS) Amendment Act, 2021, Rule 56.

4. Both the accused/petitioners are named in the
FIR and are in custody since 03.04.2024.

5. Allegation against the petitioners is to involve in
illegal mining and also alleged to assault police personnel,
who have seized the tractor with illegal sands and to deter
the police personnel to discharge them from their official
duties.

6. It is submitted by learned counsel appearing for
the petitioners that the allegation against these petitioners
are very much general and omnibus in nature. It is further
pointed out that petitioner no.1 named with this case only
for the reason that he had provided his tractor on hire basis.
It is submitted that petitioner no.1 has deposited the fine
with Mining Department in terms of Letter No.3212 dated
16.11.2023 as issued by District Mining Office, Gaya. It is
further submitted by learned counsel that the allegation as to
cause physical assault to the police personnel appears just to
aggravate the allegation, as no such injuries appears to be



caused to police personnel, as none of them were examined medically. It is further pointed out that similarly situated co-accused persons have been granted anticipatory bail by this Court through Cr. Misc. No.21949 of 2024 vide order dated 26.04.2024, whereas these petitioners are languishing in jail for two months. While concluding argument, it is submitted that petitioner no.1 found involved in 8 more criminal cases, where in two criminal cases, final form was submitted against him, whereas in rest of six cases, he is on bail. Similarly, petitioner no.2 found involved in three more criminal cases, where after investigation, the police submitted final form in two cases against him, whereas in one case, he is on bail. It is pointed out that petitioners are local persons and owner of tractor. The petitioners involved in several cases of similar nature with same police station out of local police atrocities.

7. Learned APP opposes the prayer for grant of bail to the petitioners.

8. In view of aforesaid factual submissions and by taking note of allegation of physical assault, which is



appearing very much general and omnibus against petitioners, coupled with the fact that amount of fine has already deposited by petitioner no.1, accordingly, both petitioners, above-named, are directed to be released on bail 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 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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