

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43070 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- BELAGANJ District- Gaya

1. Pradip Yadav Son of Jaglal Yadav R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya
2. Bablu Singh @ Bablu Sharma Son of Ramjanam Singh R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya
3. Sikandar Kumar Son of Pradip Yadav R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya
4. Deepak Kumar @ Deepak Yadav son of Vijendra Yadav R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya
5. Bijendra Yadav Son of Devlal Yadav R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya
6. Raushan Kumar @ Raushan Yadav Son of Yogendra Yadav R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya
7. Manoj Kumar @ Manoj Thakur Son of Suresh Thakur R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya
8. Amit Kumar @ Amit Singh Son of Shivdutt Sharma @ Butu Singh R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya
9. Mithilesh Kumar @ Mithlesh Prajapat Son of Mahesh Prajapat R/o Vill.- Baraini, P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 337, 338, 504, 506, 379 and 411 of the Indian Penal Code, Section 21 of the Mines and Minerals



(Development and Regulation) Act, 1957 as well as Section 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2021.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that the informant alleges that while he along with the police force were on duty when he got an information through the SHO that one tractor loaded with sand was caught by the mining guard near Baraini village, accordingly, the informant along with the force reached the place of occurrence and saw one tractor was standing and on query the driver of the tractor disclosed his name as Mithlesh Kumar but did not show any paper relating to mining of sand when in the meantime the sand Mafias came, started abusing and brick batting upon the police party and forcibly took away the seized tractor from the clutches of the police. Further, during course of occurrence, one constable became injured and the accused persons were identified by the local Chawkidar.

4. Learned counsel for the petitioners submits that it is not possible for the Chawkidar to identify all the accused persons. It is further submitted that petitioners are persons with



clean antecedent and they came to be implicated in the instant case only for the reason that they all also reside near the place of occurrence. It is next submitted that had the petitioners been sand Mafias in that event they would not have been persons with clean antecedent. It is also submitted that it is not the case of the prosecution that petitioners were indulging in illegal mining of sand. It is further submitted that petitioners will not abscond rather will cooperate in the investigation.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Belaganj P.S. Case No. 141 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application bringing to the notice of the learned court



below that petitioners, despite giving assurance to this Court, are not cooperating in the investigation in that event the learned court below shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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