

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38185 of 2024

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

Yogendra Sharma, S/o Lakhan Sharma, R/o Village-Kormathu, P.S-Main,
Distt.- Gaya.

... .. Petitioner

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. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named and in the FIR

and apprehending his arrest 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.

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, such, also to deter them to discharge their official duties.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner has been implicated falsely with present case without having any connecting evidence being resident of nearby locality and owner of the tractor. It is submitted that allegation of physical assault and to deter the police personnel is specifically available against co-accused Arbind Sharma @ Dablu and also one of the co-accused, namely, Navlesh Sharma, where the allegation against this petitioner is appearing very much general and omnibus. It is pointed out that petitioner has already deposited the fine with Mining Department, Gaya in terms of Letter No.3212 dated 16.11.2023. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.



6. In view of aforesaid factual submissions, as allegation of physical assault is not available against this petitioner, where allegation to deter the police personnel from discharging their official duties is appearing very much general and omnibus against the petitioner, coupled with the fact that amount of fine has already deposited by petitioner, accordingly, the petitioner, above-named, 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 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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