

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41893 of 2024

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

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Anil Sharma @ Anil Kumar S/O Late Jairam Sharma R/O Village Koyri
Bigha, P.S. Main, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 333, 353, 307, 504, 506, 279, 379 and 411 of the Indian Penal Code, Sections 4(1A) and 21 of the (MMD & R) Act, 1937, Bihar Minerals Concession Prevention of Illegal Mining Transportation and Storage Act, 2019, Rules 11 and 18 and BM (CPIMTS) Amendment Act, 2021, Rule 56.

3. Learned counsel for the petitioner submits that petitioner has antecedent of three cases and allegation against the accused persons including the petitioner is of being involved in illegal mining of sand and trade arising thereof. Further, the informant along with the police force in order to check such activities conducted a raid and during the occurrence, it is



alleged that the accused persons along with the petitioner assaulted the police personnel to deter them from discharging their official duty and they also ran away with the tractor loaded with illegal sand. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of assault is against co-accused Arvind Sharma @ Dablu Sharma and Nawlesh Sharma whereas allegation against the petitioner is general and omnibus in nature. It is next submitted that if the petitioner is granted the privilege of regular bail, petitioner will not abscond rather will cooperate in the trial. It is also submitted that petitioner is in custody since 03.04.2024 and charge-sheet has been submitted.

4. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

5. Considering the aforesaid submissions, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Main P.S. Case No. 119 of 2023.

6. One of the bailors of the petitioner shall be his maternal nephew, namely, Sinku Kumar.



7. It is made clear that if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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