

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53803 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- CHAUTHAM District- Khagaria

1. MD. SADDAM @ MD SHADAB ADIL SON OF MD. NEHALUDDIN R/V- VIFLLAGE- BARI TELOCHH, P.S.- CHOUTHAM, DISTT.- KHAGARIYA
2. MD. NEHALUDDIN @ NIHALUDDIN SONOF MD. GANNI R/V- VIFLLAGE- BARI TELOCHH, P.S.- CHOUTHAM, DISTT.- KHAGARIYA
3. BALAK TANTI @ BALAK KUMAR SON OF PRAKASH TANTI R/V- VIFLLAGE- BARI TELOCHH, P.S.- CHOUTHAM, DISTT.- KHAGARIYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Patel
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-08-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Choutham P.S. Case No. 140 of 2024 registered for the offence under Sections 379, 323, 341, 353, 332 and 34 of the I.P.C., Section 56(1), 56(2) of the Bihar Minor Minerals (Concession, Prevention of Illegal Mining Transport & Storage) Amendment Act, 2021, Section 21 of the Mines and Minerals Act and Section 15 of the Environment (Protection) Act 1986.

3. The prosecution story in short is that on 18.05.2024 at about 9:30 P.M. the informant, who is a Chaukidar was



instructed by the SHO to guard the trailer which had illegal soil in it. Upon inquiry, it came to light that the trailer belonged to the petitioner no. 2 and at around 6:00 P.M. the petitioner nos. 1 & 2 came along with their “Eicher” tractor bearing Registration No. BR34GA7332 being driven by the petitioner no. 3 and took away the trailer by attaching it with the tractor though the Chaukidar tried to stop them.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and they have not committed any offence in the manner alleged. He submits that the petitioners had leveled the land measuring 05 Kathas of one Bijendra Sharma who had given written authority to the petitioners on 18.05.2024 to level the said land by the Eicher Tractor No. BR34GA7332 on consideration money of Rs. 20,000/-. The tractor is registered in the name of the mother of the petitioner no. 1. He further submits that the petitioner nos. 1 & 2 have had land dispute with one Adil @ Hira, a resident of the same village, and due to that enmity false cases have been lodged by the said Adil @ Hira against the petitioner nos. 1 & 2. He further submits that the petitioner nos. 1 & 2 have got five criminal antecedent whereas the petitioner no. 3 has got no criminal antecedent.



5. I have heard learned counsel for the parties and perused the materials available on record. From perusal of the F.I.R. it is evident that petitioners are involved in illegal mining and they forcefully took away the trailer loaded with soil which was under supervision of the informant / Chaukidar by resorting to use of force. The learned Addl. Sessions Judge -III, Khagaria in its order refusing anticipatory bail to the petitioners has taken note of the fact that the witnesses have supported the prosecution case in paragraph nos. 3, 7 & 8 of the case diary. Further, the petitioners obstructed the informant / Chaukidar in discharging his official duty.

6. Considering the seriousness of the offence and the criminal antecedent of the petitioners, I am not inclined to extend the privilege of anticipatory bail to the petitioners. The prayer for the same is rejected.

(Anil Kumar Sinha, J)

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