

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61973 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- BANSHI District- Jehanabad

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1. Nitish Kumar Son of Sarayu Prasad Yadav @ Saryu Singh Resident of Village- Sonbhadra, P.S.- Banshi, Distt.- Arwal
 2. Raushan Kumar Son of Ranjit Kumar Resident of Village- Sonbhadra, P.S.- Banshi, Distt.- Arwal
 3. Tenni Manjhi @ Raj Kumar @ Raj Kumar Manjhi Sonof Sheodani Manjhi Resident of Village- Sonbhadra, P.S.- Banshi, Distt.- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Banshi Police Station Case No. 58 of 2024, dated 14.05.2024, disclosing offences under Sections 147/148/149/323/353/379/411/504/506 of the Indian Penal Code and under Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report lodged by the ASI, Banshi, is that on 13.05.2024, the informant received information that in village Mali, the petitioners, along with other accused persons, are indulged in illegal excavation of sand from Punpun river. Thereafter, the informant with police force reached the



place of occurrence and upon seeing the police party, two tractor loaded with sand, starting fleeing away, however, one tractor succeeded in it and another overturned, but the driver succeeded in fleeing away. After some time 20 to 25 persons, armed with traditional weapons, started pelting stones on the police party. The petitioner no. 1 threatened the chowkidar of his life, if tractors were not released. The petitioners and other co-accused persons also fired two shot and tried to take away the tractor. Later, when extra police force arrived, the petitioners, along with the accused persons, fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and have falsely been implicated in the present case due ulterior motive. The allegation against the petitioners is general and omnibus in nature. The names of the petitioners have transpired on the basis of statement of chowkidar. He next submits that the petitioners are neither the owners nor the drivers of the tractor, in question. No incriminating article has been recovered from the possession of the petitioners. The petitioners



have got no criminal antecedent.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioners, along with other co-accused persons, who were indulged in illegal extraction of sand, tried to take away intercepted tractor/trailer carrying illegal sand, created unruly scene by pelting stones and firing upon the police officials and the fact that attack on police while on official duty undermines the safety and security of law enforcement agency, incident of mob violence against law enforcement agency has become order of the day now in the State which can be very dangerous, often escalating tensions and compromising public safety, accordingly, I am not inclined to grant the petitioners privilege of anticipatory bail.
6. This application stands dismissed.

(Anil Kumar Sinha, J)

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