

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66803 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- GRIYAK District- Nalanda

Chhotu Kumar S/O Dharmbeer Kumar R/O Village- Chhachhu Bigha, P.S-
Katrisarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 03-10-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Giriak (Katrisarai) P.S. Case No. 225 of 2024 registered for the
offence punishable under Sections 147, 149, 279, 341, 323, 307,
353, 379, 411, 506, 504 I.P.C.

3. As per the prosecution case on 24.06.2024 while the
informant along with Police party were on patrolling duty they
got secret information that near Chandi Asthan some persons are
loading sand illegally near Sakri river on 5-7 tractors. The
Police party reached at the place of occurrence and saw some
persons loading sand illegally and two persons on a blue colour
Honda motorcycle and one person on black colour TVS
motorcycle as well as tractor drivers present there tried to flee
away upon seeing the Police party. The driver of one of those
tractors tried to dash the informant by running the tractor over



him but anyhow he saved himself. The rider of TVS motorcycle was apprehended who disclosed his name as Rishi Kumar. He further disclosed that he does the work of liner and on demand of the documents of the motorcycle, no document was provided by him. He also disclosed the name of two persons who fled away by motorcycle as Manish Kumar and his brother Awnish Kumar. It is further alleged that Police seized one red colour Mahendra tractor along with tailor loaded with 100 CFT sand. The tractor was without registration no., whereas, registration no. of the tailor was BR21GC-2138. The Police also seized blue colour Honda Motorcycle bearing registration no. BR21AD6984 and TVS motorcycle bearing registration no. BR27F6268.

4. Learned counsel for the petitioner submits that the petitioner has committed no offence and he has falsely been implicated in the present case being the owner of the seized tractor along with tailor bearing registration no. BR21GC-1842 and BR21GC-2138. He further submits that the petitioner has already deposited the fine of Rs. 35,625/- before the District Mining Officer, Nalanda vide E-challan on 01.07.2024. He next submits that none of the Police personnel became injured in the said incident.



5. I have heard learned counsel for the parties and perused the materials available on record. The petitioner along with the co-accused persons attacked on Police personnel when they tried to arrest the petitioner and his other associates. The learned Sessions Judge, Nalanda, Bihar Sharif, while refusing the prayer for anticipatory bail of the petitioner has recorded that the informant and witnesses have supported the prosecution case in paragraph nos. 5, 6, 8 & 9 of the case diary. The petitioner is an accused in one more case of similar nature of offence bearing Giriak P.S. Case No. 163 of 2024.

6. The petitioner along with the co-accused created unruly scene when the Police party arrived to discharge their official duty. An attack on Police team while on official duty undermines the safety and security of law enforcement agency. Incidents of mob violence against law enforcement agency have become the order of the day now in this State which can be very dangerous, often escalating tensions and compromising public safety. Accordingly, I am not inclined to grant the petitioner the privilege of anticipatory bail.

7. This application is accordingly rejected.

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(Anil Kumar Sinha, J)

