

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76896 of 2024

Arising Out of PS. Case No.-512 Year-2024 Thana- MAHUA District- Vaishali

1. Vipin Kumar @ Bipin Kumar Son of Pavitra Ray @ Pavitar Ray Village - Ward no. 10, Mukundapur, Ps- Mahua, Dist- Vaishali
2. Shambhu Ray @ Shambhu Kumar son of Balit Ray Village - Ward no. 10, Mukundapur, Ps- Mahua, Dist- Vaishali
3. Pavitra Ray @ Pavitar Ray son of Gangu Ray Village - Ward no. 10, Mukundapur, Ps- Mahua, Dist- Vaishali
4. Raju Ray @ Raju Kumar Son of Pavitra Ray @ Pavitar Ray Village - Ward no. 10, Mukundapur, Ps- Mahua, Dist- Vaishali
5. Shakuntala Devi Wife of Pavitra Ray @ Pavitar Ray Village - Ward no. 10, Mukundapur, Ps- Mahua, Dist- Vaishali
6. Satendra Ray @ Lulha @ Satyendra Kumar Son of Balit Ray Village - Ward no. 10, Mukundapur, Ps- Mahua, Dist- Vaishali
7. Nityanand Ray @ Nityanand Kumar son of Ganaur Ray Village - Ward no. 10, Mukundapur, Ps- Mahua, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Kumari Daughter of Sriram Kumar village- Mining Inspector (Vaishali), Ps- Mahua, dist- Vaishali, P/A- katkamdag, Ps- Katkamdag, Dist- Hazaribagh, Jharkhand

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 77315 of 2024

Arising Out of PS. Case No.-512 Year-2024 Thana- MAHUA District- Vaishali

Vikram Kumar @ Vikaram Kumar S/o- Lal Dev Ray Village- Ward no 10, Mukundapur PS- Mahua, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Kumari D/o- Sriram Kumar R/o- Katkamdag, Ps- Katkamdag, Dist- Hazaribagh, Jharkhand

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 76896 of 2024)

For the Petitioner/s : Mr.Rajendra Singh, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP



For Respondents : Mr.Naresh Dikshit, Advocate
: Mr.Utsav Anand, Advocate
(In CRIMINAL MISCELLANEOUS No. 77315 of 2024)
For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 19-11-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Mahua PS case no. 512 of 2024, disclosing offences punishable under Sections 353, 354 and other allied sections of the Indian Penal Code and Section 56 of the Mines and Minerals Act.
3. The prosecution story, as per the First Information Report, is that on 23.06.2024 at 5:44 pm, a raid was conducted against illegal mining of sand and its overloading within the Mahua Police Station. It is alleged that during search, a truck bearing registration no. BR-06GE-5913 was stopped for routine checking but the driver could not produce any document rather he tried to escape but he was arrested by the police party. It is further alleged that petitioners along with other accused person reached the police station to rescue him and upon seeing police vehicle, they started pelting stones by forming an unlawful assembly.
4. Learned Counsel for the petitioners submits that



petitioners have falsely been implicated in this case due to dirty village politics. Learned counsel further submits that the alleged truck is registered in the name of one Vikash Kumar, s/o Muneshwar Paswan, r/o of Kudhani, Muzaffarpur and the petitioners being residents of Vaishali district have no concern with the said Vikash Kumar. He also submits that on the alleged date and time of occurrence, petitioners were not present at the place of occurrence.

5. I have heard learned counsel for the parties and perused the materials on record.

6. From perusal of the F.I.R. it is evident that the petitioners are named accused persons with allegation that they along with other co-accused assaulted the police party by pelting stones and obstructed the Government servants in discharge of their official duty. The learned Additional Sessions Judge-X, Vaishali at Hajipur, while refusing the prayer for anticipatory bail, has recorded that paragraphs no. 2, 3 and 4 of the case diary contain statement of witnesses, who have supported the prosecution case. The petitioner along with the co-accused person created unruly scene at the police station itself and disturbed the police party in discharging 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 order of the day now in this State which can be very dangerous, often escalating tensions and compromising public safety.

7. Accordingly, I am not inclined to grant the petitioners the privilege of anticipatory bail.

8. The prayer for grant of anticipatory bail to the petitioners is, accordingly, rejected.

(Anil Kumar Sinha, J)

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