

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80067 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KHUSRUPUR District- Patna

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1. Shiv Kumar Singh S/O Late Gulel Singh R/O Khirodhpur Naya Tola, P.S- Khusrupur, Distt.- Patna.
 2. Kundan Kumar Singh @ Kundan Kumar S/O Late Ashok Kumar Singh R/O Khirodhpur Naya Tola, P.S- Khusrupur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Department Of Mines Govt. Of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP
Mr. Naresh Dikshit, Brij Bihari Tiwari.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-05-2024 At the outset, learned counsel for the petitioners submits that during pendency of this bail petition, petitioner no. 2 namely Kundan Kumar Singh has been arrested and as such, this bail petition has become infructuous so far as petitioner no. 2 is concerned.

2. Hence, this anticipatory bail petition stands dismissed as withdrawn in respect of petitioner no. 2 Kundan Kumar.

3. Sole petitioner Shiv Kumar apprehends his arrest in a case registered for offence under Sections 379, 411, 353 of the Indian Penal Code and 56 of Bihar Mineral Concession



Prevention of Illegal Mining Transportation and Storage Rules and 19, 21 MM DR Act.

4. It is alleged that all the F.I.R. named accused persons including these petitioners arrived at the place of occurrence and forcibly released truck with JCB machine after unloading 500 cft. sand from the said truck and thus, caused hindrance to informant and others in discharge of their official duties.

5. It is submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case. The allegation is general and omnibus in nature and no specific overt act has been alleged against petitioners. Petitioner has got clean antecedent.

6. Mr. Umeshanand Pandit, learned A.P.P. for the State opposes the prayer for anticipatory bail.

7. Considering the aforesaid facts and circumstances, let the petitioner namely Shiv Kumar Singh, in the event of arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna City, Patna in connection with Khusrupur P.S. Case No. 23 of 2023, subject to



condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This bail petition is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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