

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79173 of 2024

Arising Out of PS. Case No.-535 Year-2024 Thana- AMARPUR District- Banka

1. Pramod Kumar Singh Son of Late Sudama Prasad Singh @ Sudhir Mandal Village- Hajipur P.S.- Sajour Distt.- Bhagalpur
2. Ramesh Kumar Son of Ashok Prasad Singh Village- Hajipur PS- Sajour Distt.- Bhagalpur
3. Binod Kumar Singh Son of Late Sudama Prasad Singh @ Sudhir Mandal Village- Hajipur PS- Sajour Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-11-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Amarpur P.S. Case no. 535 of 2024 registered under sections 191(2), 191(3), 190, 126(2), 109(1), 132, 303(2), 317(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, section 27 of the Arms Act, sections 11, 41 and 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage Rules, 2019) and sections 4(i) and 21 of the Mines and Minerals (Development and Regulation) Act.

3. As per the prosecution case, on six tractors loaded



with illegally mined sand having been intercepted, the drivers of the vehicles managed to flee, however one of the drivers namely Gangesh Kumar was caught. A total of 14,100 cubic feet of mined sand was intercepted. It is further stated that it was at this stage that 100-150 persons started pelting bricks and stones on the informant party and also resorted to firing from their pistols on the inquiry team.

4. Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the case when in the F.I.R it is stated that they were identified amongst the persons who resorted to pelting of stones and firing. It is submitted that the petitioners have been falsely implicated in the case at the instance of their enemies. They are not the owner of the vehicle nor do they have any concern with any of the seized tractors or trailers alleged to be carrying illegally mined sand. The cause of false implication of the petitioner is their antecedent in a similar matter on an earlier occasion. The petitioners have no concern with the driver Gangesh Kumar who was taken into custody at the place of occurrence.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the



material that has transpired in course of investigation as is evident from the order of the learned trial Court, the petitioners not having any concern with the driver who was caught at the place of occurrence nor with the tractors or trailers seized at the place of occurrence, it is directed that all the three petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Amarpur P.S. Case no. 535 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka.

(Partha Sarthy, J)

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