

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86371 of 2023

Arising Out of PS. Case No.-420 Year-2023 Thana- NAVINAGAR District- Aurangabad

ANGAD SINGH SON OF LATE KEDAR SINGH R/O VILLAGE-
MANJHIAON, P.S.- BADEM O.P., DIST.- AURANGABAD (BIHAR)
... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA
... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 86700 of 2023

Arising Out of PS. Case No.-420 Year-2023 Thana- NAVINAGAR District- Aurangabad

Bittu Kumar Sharma S/O Suryamal Sharma VILLAGE- MANJHIAON, PS.
BADEM O.P, DIST. AURANGABAD (BIHAR)
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22715 of 2024

Arising Out of PS. Case No.-420 Year-2023 Thana- NAVINAGAR District- Aurangabad

Golu Kumar Son of Angad Singh R/o Village- Majhiaon, P.S. Badem O.P.,
Nabinagar, District- Aurangabad
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 86371 of 2023)
For the Petitioner/s : Mr.Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr.Kanhiya Kishor, APP
(In CRIMINAL MISCELLANEOUS No. 86700 of 2023)
For the Petitioner/s : Mr.Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 22715 of 2024)
For the Petitioner/s : Mr.Ashok Singh, Adv.
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners seek regular bail in all the three

cases in connection with Nabinagar (Badem O.P.) P.S. Case



No.420 of 2023 lodged under Sections 307, 302, 379, 411, 353, 333, 332, 427, 120B, 147, 149 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against seven named accused persons. Out of 7 accused persons, accused Nos. 1 and 2 are the owner of the vehicle and his son and accused No.3 is the driver and accused Nos. 4, 5, 6 and 7 were the liners. The specific allegation is that the tractor on which the sand was loaded, has been dashed to the Home Guard in result, he died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the entire F.I.R. and the case diary, it has not come that the petitioner of first case, namely, Angad Singh in Cr. Misc. No.86371 of 2023 and the petitioner of second case, namely, Golu Kumar in Cr. Misc. No.22715 of 2024 were present on the spot.

5. Counsel further submits that from the contents of F.I.R., it transpires that four named accused persons were present on spot being the liners and after this accident, they fled away and petitioner, namely, Bittu Kumar Sharma in Cr. Misc. No.86700 of 2023 was driving the said vehicle. As such, the bail of the petitioners who were not present on spot may be taken



into consideration. He submits that petitioners were made accused only with a view to create pressure as their tractor was involved in commission of the illegal mining of the sand.

6. Counsel submits that the petitioners are in custody since 22.11.2023 and there are three criminal cases pending against the petitioner of first case, namely, Angad Singh in which he is on bail and the petitioner of second case, namely, Golu Kumar has clean antecedent.

7. Learned counsel for the State opposes the prayer for bail and submits that being the owner of the tractor, they are persons who had permitted for using of their tractor for illegal mining of sand and this is basic reason due to which the entire occurrence took place. Though there is no direct involvement of petitioners namely, Angad Singh and Golu Kumar, but their connivance may not be ruled out.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner, namely, Angad Singh in Cr. Misc. No.86371 of 2023, be granted bail, **after framing of charge, if not framed** and the petitioner of second case, namely, Golu Kumar in Cr. Misc. No.22715 of 2024 be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like



amount each to the satisfaction of learned A.C.J.M.-1st, Aurangabad in connection with Nabinagar (Badem O.P.) P.S. Case No.420 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

9. However, the petitioner, namely, Angad Singh shall be granted bail only on being satisfied by the Trial Court that the he is not absconding in any of the cases pending against him whose details are as follows:-

- i. Narari Kala Khurd P.S. Case No.4 of 2012.
- ii. Nabinagar (Badem O.P.) P.S. Case No.194 of 2022.
- iii. Complaint Case No.224 of 2011.

10. So far as the petitioner of third case, namely, Bittu Kumar Sharma in Cr. Misc. No.86700 of 2023, is concerned, who was driving the vehicle and dashed the police personnel who died on spot, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner, namely, Bittu Kumar Sharma is hereby rejected.

(Dr. Anshuman, J.)

Prakashmani/-

U		T	
---	--	---	--

