

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80295 of 2024

Arising Out of PS. Case No.-441 Year-2024 Thana- BIHAR District- Nalanda

Munna Kumar @ Munna Yadav S/O Late Mahavir Yadav Resident of Village-
Nakatpura, P.S.- Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 83199 of 2024

Arising Out of PS. Case No.-441 Year-2024 Thana- BIHAR District- Nalanda

- 1. Ramhari Yadav Son of Ramjanam Yadav Vill- Nakatpura PS -Bihar Distt -Nalanda
- 2. Karu Yadav son of Birbal yadav Vill- Nakatpura PS -Bihar Distt -Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 83993 of 2024

Arising Out of PS. Case No.-441 Year-2024 Thana- BIHAR District- Nalanda

Ramsubhash Kumar @ Ramsubhash Yadav Son of Rambhros Yadav Resident
of village - Nakatpura, P.S.- Muraura, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 80295 of 2024)
For the Petitioner : Mr. Anil Kumar No. I, Advocate
For the State : Mr. Pramod Kr. Pandey, APP
(In CRIMINAL MISCELLANEOUS No. 83199 of 2024)
For the Petitioners : Mr. Raj Kishor Prasad, Advocate
For the State : Mr. Yogendra Kumar, APP



(In CRIMINAL MISCELLANEOUS No. 83993 of 2024)

For the Petitioner : Mr. Ayush Kumar, Advocate
For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-01-2025 Heard learned counsels for the parties.

2. Since all these bail applications arise out of the same P.S. case number, they are being taken up together and disposed of by this common order.

3. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 332, 333, 307, 353, 355, 379, 411, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per prosecution case, on the alleged date and time of occurrence, on secret information, informant along with police party reached near *Goithwa* river and saw that soil and sand was being excavated and transported by J.C.B. machine. As soon as the police party moved forward, they saw that a J.C.B. machine and about 3 tractors were loaded with soil and 8 tractors were empty. On seeing the police party, 25-30 people, who were doing excavation, left the tractors and J.C.B. and started fleeing away towards *Nakatpura* village. Thereafter, it is alleged that hundreds of sand *Mafiya*, in order to free the tractors and J.C.B. machine, while abusing and firing, attacked on the raiding party due to which, S.H.O. Ramshankar Singh



was seriously injured. While running away, 5 persons were caught who disclosed the names of 31 sand *Mafiyas*.

5. It is submitted by learned counsels appearing on behalf of the respective petitioners that petitioners are innocent and have falsely been implicated in this case merely on suspicion. Petitioners are not owners of the vehicles which were seized at the spot. They have been named in this case only on the basis of disclosure made by the apprehended persons. Except confessional statement, there is no material on record to show the accomplicity of these petitioners in the alleged occurrence.

6. On the other hand, learned A.P.Ps. for the State have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. and there is specific accusation that they, along with other accused persons, are involved in illegal excavation and trade of sand. It is further alleged that these petitioners, along with other accused persons, attacked upon the police party as a result of which S.H.O. Ramshankar Singh got seriously injured. Petitioners have also got criminal antecedents.

7. Considering the aforesaid facts and circumstances, nature of accusation and criminal antecedents of the petitioners,



the prayer for grant of anticipatory bail to these petitioners is
rejected.

(Prabhat Kumar Singh, J)

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