

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89803 of 2024

Arising Out of PS. Case No.-377 Year-2024 Thana- RANIGANJ District- Araria

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1. JAMIL AHMAD Son of TAFEJUL Resident of village - DUMARIYA , P S RANIGANJ , DISTT ARARIA
 2. Abdul Rahman @ Jishan Gazi Son of Late Gazi Salauddin Resident of village - DUMARIYA , P S RANIGANJ , DISTT ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti

For the Opposite Party/s : Mr. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 29-01-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Raniganj Police Station Case No. 377 of 2024, disclosing offences under Sections 132, 74, 351(2), 351(3) of the BNS, 2023 and Sections 21, 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rule, 2019.

3. As per the First Information Report, on 21.08.2024, informant got secret information that illegal mining of sand was being done at village Nayapatti Vistaria. Upon this information, informant proceeded towards the place of occurrence, where illegally mined sand was being transported on a tractor bearing Reg. No. BR11JE1805. The tractor was stopped by the



informant for inquiry and asked about the owner of the said tractor. It is further alleged that, petitioners along with 20 to 25 people reached the place of occurrence and started misbehaving with the informant and other police personnel and also obstructed the police party from performing their duties. It is further stated that petitioners forcibly drove away the tractor which had been taken into police Custody and also deleted the video made by the informant.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case at the instance of their enemies. No such occurrence as alleged in the FIR has ever been taken place. There is inordinate delay of two days in receiving the FIR by the learned concerned Court i.e., the FIR was received by the learned ACJM-1st, Araria on 23.08.2024 despite the fact that distance between the Court and Raniganj P.S. is only 25 kms. The petitioners has no concern with the illegal sand and the tractor nor he was ever indulged in such illegal mining of the sand. He next submits that neither the driver of the tractor was made accused nor he was arrested by the police. From perusal of the FIR, it appears that petitioner no. 1 is the owner of the tractor but this is not true. Petitioner no. 1 is not the owner of the tractor and the registration number i.e.,



Reg. No. BR11JE1805, is wrong. The correct registration number is BR11GE1805 and the owner of the tractor is Dinesh Rishidev.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is allegation against the petitioners of misbehaving, obstructing the police officials from discharging their duties and attacking the police officials and they are also named in the F.I.R. They along with the co-accused created unruly scene when the police party arrived to discharge 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 the order of the day now in this State which can be very dangerous, often escalating tensions and compromising public safety, I am not inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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