

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5533 of 2025

Arising Out of PS. Case No.-303 Year-2024 Thana- DAUDNAGAR District- Aurangabad

1. Chandra Uday Kushwaha @ Chandra Uday Kumar, S/O Dina Nath Mahto
 2. Gopal Kumar @ Gopai Mahto @ Gopal Mallah, S/O Jagnarayan Chaudhary @ Jagnarayan Matho @ Jagnarayan Mallah
- Both are residents of village- Meva Bigha, P.S- Daudnagar, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 5751 of 2025

Arising Out of PS. Case No.-303 Year-2024 Thana- DAUDNAGAR District- Aurangabad

Abhay Yadav @ Abhay Kumar @ Abhay Kumar Yadav @ Rao Abhay Kumar,
S/o Kameshwar Yadav @ Kameshwar Prasad @ Kameshwar Singh, Resident
of Village- Mewa Bigha, P.S- Daudnagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 5533 of 2025)
For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP
(In CRIMINAL MISCELLANEOUS No. 5751 of 2025)
For the Petitioner/s : Mr.Ashok Singh, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Since both the petitions arise out of Daudnagar P.S.

Case No. 303 of 2024, as such, they have been taken up together

and are being disposed of by this common order.

2. Heard learned counsels for the respective



petitioners and learned APP for the State.

3. In the present case, the petitioners are apprehending their arrest in connection with Daudnagar P.S. Case No. 303 of 2024 for the offences under Sections 379, 411, 353 and 34 of the Indian Penal Code.

4. As per prosecution case, police received secret information about stolen sand being transported through a number of tractors. When the police party reached there, they saw 5-6 tractors which started fleeing away unloading their sand. One of the tractors was intercepted and its driver co-accused Rahul Kumar was apprehended, who disclosed the names of petitioners, namely Chandra Uday Kushwaha and Gopal Kumar, who fled away with their tractors. The co-accused further disclosed the name of petitioner Abhay Yadav, who used to operate the ghat in which illegal mining of sand was being done.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Except for the confessional statement of co-accused, there is no material against the petitioners. The petitioners are not owner of the tractors seized by the police. The petitioners, namely Chandra Uday Kushwaha and Gopal Kumar are having clean antecedent, whereas the petitioner Abhay Yadav is having



antecedent of one case of different nature in which he is on bail.

6. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that co-accused named the petitioners and they are involved in illegal sand mining.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material against the petitioners and further considering the possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Daudnagar P.S. Case No. 303 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023 and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court



below, if so required by the learned trial
court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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