

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3344 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- Shahpur P.S. District- Nawada

1. Raja Kumar @ Abhishek @ Abhishek Kumar S/o Late Manoj Kumar Resident of Village- Mahrath, P.S Shahpur, District- Nawada.
2. Bihari Kumar @ Anand Kumar @ Anand Shankar S/o Late Manoj Kumar R/o Village- Mahrath, P.S- Shahpur, Distt.- Nawada.
3. Amarjeet Kumar S/o Late Manoj Kumar R/o Village- Mahrath, P.S- Shahpur, Distt.- Nawada.
4. Mausham Kumar S/o Late Ajeet Kumar R/o Village- Nepura, P.S- Shahpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2025 Heard Mr. Sheo Nandan Prasad, learned counsel for the petitioners and Mr. Arun Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Shahpur P.S. Case No. 35 of 2024, F.I.R. dated 03.06.2024 for the offences punishable under Sections 147, 149, 341, 323, 307, 332, 353, 504, 506, 379 and 411 of the Indian Penal Code.

3. According to prosecution case, on secret information the informant along with team seized six tractors



containing illegal sand.

4. Learned counsel for the petitioners submits that petitioner nos. 2 to 4 have clean antecedent and petitioner no. 1 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that on the basis of secret information, the petitioners have been implicated in the present case. He further submits that the similarly situated co-accused person, namely, Niwas Kumar and others have been granted anticipatory bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No. 64640 of 2024 and another co-accused, namely, Rohit Kumar @ Rohit Yadav @ Rohit Kumar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 23.10.2024 passed in Cr. Misc. No. 71407 of 2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no. 1 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in



the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VI, Nawada in connection with Shahpur P.S. Case No. 35 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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