

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21543 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- CHAKAND District- Gaya

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1. Nitish Kumar @ Ankit Kumar S/O Devnandan Yadav R/O Village-Meharbanpur, P.S- Chakand, Dist.- Gaya.
 2. Shambhu Kumar Yadav @ Shambhu Kumar @ Shambhu Yadav S/O Kamlesh Yadav R/O Village- Meharbanpur, P.S- Chakand, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-04-2025 Heard Mr. Mrigendra Kumar, learned counsel for
the petitioners and Mr. B.N. Pandey, learned APP for the State.

2. Learned counsel for the petitioners submits that petitioner no. 1, namely, Nitish Kumar has been arrested in this case. In that circumstance, learned counsel for the petitioners seeks permission to withdraw this bail application in respect of petitioner no. 1, namely, Nitish Kumar.

3. Permission is accorded.

4. This application is dismissed as withdrawn in respect petitioner no. 1.

5. The instant application for anticipatory bail has been filed by the petitioner no. 2 apprehending his arrest in



connection with Chakand P.S. Case No. 179 of 2024 instituted for the offence under Sections 191(2), 191(3), 190, 127(1), 115(2), 132, 109, 324(4), 303(2) and 317(2) of the B.N.S.

6. The case of the prosecution is that police received information that illegal sand was being carried on five tractors. During the checking, the police tried to intercept the tractors in the meanwhile 20-25 persons attempted to kill the police personnel by tractors and ultimately the tractors with the illegal sand fled away from that place. After this, local Chowkidaar identified 10 persons. Petitioner No. 2 is one of them.

7. Learned counsel appearing on behalf of the petitioner no. 2 has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that from perusal of the FIR itself it is clear that nobody has been hurt in the said occurrence. It is only that the intercepted tractors having loaded with illegal sand fled away. It has also been submitted that petitioner has no concern in any way with the sand or the tractors. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 12.12.2024 in Cr. Misc. No. 83200 of 2024.

8. In contra, learned APP appearing for the State has



opposed the prayer of bail of the petitioner no. 2.

9. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the **petitioner no. 2, namely, Shambhu Kumar Yadav** on bail. The petitioner no. 2 is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Chakand P.S. Case No. 179 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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