

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24199 of 2025

Arising Out of PS. Case No.-264 Year-2021 Thana- RAJAOLI District- Nawada

Santosh Yadav @ Santosh Kumar son of Rajendra Prasad Yadav RO Village-
Chitarkoli, Ward no 08, PS- Rajauli Dist- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mining Officer, Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Verma, Advocate
For the Mines Department:		Mr. Naresh Dikshit, Spl. P.P.
For the State	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-07-2025 Heard Mr. Pramod Kumar Verma, learned counsel for
the petitioner, Mr. Naresh Dikshit, learned counsel for the Mines
Department and Mr. Dashrath Mehta, learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Rajauli P.S. Case No. 264 of 2021, F.I.R. dated
04.06.2021 registered for the offences punishable under Sections
148, 341, 323, 353, 379, 506 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with
other co-accused persons forcibly taken away the vehicle which is
overloaded with stones and by informing the police personnel, the
loaded truck was recovered and parked into the parking.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely implicated



in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and petitioner is not the owner of the vehicle in question which was mentioned in the F.I.R. and at best petitioner is the member of mob and there is no specific allegation against the petitioner in the F.I.R.

5. Learned counsel for the Mines Department as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner as well as there is no allegation that the petitioner has carried the illegal sand in question, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Nawada in connection with Rajauli P.S. Case No. 264 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-



(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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