

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26719 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- DANAPUR District- Patna

1. Gorakh Rai @ Gorakh Kumar, aged about 42 years, Gender-Male, S/o- Late Lal Rai, Village- Daudpur PS- Shahpur, Dist- Patna, At present resident of New Gosai Tola, P.S- Danapur District- Patna
2. Shambhu Rai, aged about 40 years, Gender-Male, S/o- Baleshwar Rai, resident of New Gosai Tola, PS- Danapur Dist- Patna
3. Santosh Kumar, aged about 28 years, Gender-Male, S/o- Jwala Rai, Resident of New Gosai Tola, PS- Danapur, Dist- Patna
4. Rakesh Rai, aged about 30 years, Gender-Male, S/o- Amir Rai @ Amir Singh, Resident of New Gosai Tola, P.S. Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Commissioner cum Principal Secretary, Dept. of Mines and Geology, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP
For the Mines	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the Mines Department.

2. The petitioners are in custody in a case registered for the offence punishable under Sections 303(2), 317(2) of the Bhartiyay Nyaya Sanhita, 2023.

3. As per allegation in the FIR, six overloaded sand laden tractors were passing through main road Pethiya Bazar and on seeing the police, the drivers/liners were tried to flee



away but police chased and apprehended them including the petitioners.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 24419 of 2025 and petitioners have got clean antecedent as stated in para-3 of the petition and they are in custody since 06.02.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. On perusal of the first information report and impugned order dated 11.03.2025, it appears that on the spot, eight persons were apprehended, out of which, five persons is said to be the driver of the said seized tractor and the petitioners have no concern with the said recovery and similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 24419 of 2025 and they have got no criminal antecedent as stated in para-3 of the petition, so considering all aspects of the matter, I am inclined to grant bail to the petitioners.

7. Let the above named petitioners be released on bail



on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Danapur, Patna in connection with Danapur P.S. Case No. 116 of 2025.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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