

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30389 of 2025

Arising Out of PS. Case No.-367 Year-2024 Thana- PAKARIBARAW District- Nawada

1. Neeraj Kumar @ Bichhauti Son of Tuna Singh @ Tuntun Singh @ Fulo Singh Resident of Village- Dheodha, P.S.- Pakaribarawan, District- Nawada,
2. Dheeraj Kumar Son of Tuna Singh @ Tuntun Singh @ Fula Singh Resident of Village- Dheodha, P.S.- Pakaribarawan, District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 09-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. At the very outset, learned counsel for the
petitioners prays for withdrawal of this anticipatory bail
application on behalf of petitioner no.1 as he has been arrested.

3. Permission is accorded.

4. Accordingly, this application is dismissed as
withdrawn on behalf of petitioner no.1.

5. Now, this application survives only for petitioner
no.2.

6. The petitioner no.2 apprehends his arrest in a case
registered for the offences punishable under Section 303 (2),



317 (2), 113 (3) and 111 (4) of the Bharaitya Nayay Sanhita, 2023.

7. The allegation in the first information report is that during course of patrolling the police officials found a red colour trailer without engine standing and a local Chaukidar informed that a person had proceeded with the trailer along with the tractor after entering into an altercation with him and has taken sand along with him.

8. Learned counsel for the petitioner no.2 submits that an empty trailer of petitioner no.2 was parked at Baliyari More but the Chaukidar has given false and fabricated information. The name of petitioner no.2 has transpired in this case on the statement of the Chaukidar. As a matter of fact, petitioner no.2 has deposited the fine imposed by the Mines Department and, in proof thereof, has annexed the receipt as Annexure-P/2 series to this application. He further submits that no sand was laden in trailer and thus there is no recovery as per the seizure list. Further, there is no independent witness also on the said seizure list. He further submits that no case, as alleged in the first information report, is made out against petitioner no.2.

9. Taking into consideration the facts and circumstances of the case as also the fact that the petitioner no.2 has deposited



the fine amount, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Pakaribarawan P.S. Case No.367 of 2024, subject to the condition as laid down under Section 482 (2) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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