

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27500 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- Shahpur P.S. District- Nawada

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Pinki Devi @ Pinku Devi W/o Ram Udar Singh @ Ramotar Singh R/o
Village- Apsarh, P.S.- Warisaliganj, District- Nawada. At present R/o Village-
Nepura, P.S.- Shahpur, District- Nawada

... .. Petitioner

Versus

1. The State of Bihar
2. Principal Secretary, Department of Mines and Minerals, Patna,(Bihar)

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Adv.
For the State	:	Md. Mushtaque Alam, APP
For O.P. No. 2		Mr. Naresh Dikshit, Adv.
		Mr. Brij Bihari Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Department of
Mines and Minerals.

2. The petitioner is apprehending her arrest in
connection with Shahpur P.S. Case No. 18 of 2025 registered for
the offences punishable under Sections 192(2), 190, 126(2),
115(2), 132, 109, 352, 351(2), 303(2), 317(2), 221, 224, 111 of



B.N.S., 2023.

3. As per prosecution story, police got secret information that two tractors loaded with sand were going towards village Jagdishpur and their trolley were not covered with *Tirpal*. On the said information police reached there and demanded challan but driver of the said tractors did not produce any challan. It is further alleged that while preparing the seizure list co-accused, Raja Kumar, Rakesh Kumar and 3-4 unknown persons came there on scorpio vehicle and exhorted the driver of the tractors to run over the police vehicle. Thereafter, one of the drivers of tractor with intention to kill dashed the police vehicle but anyhow police party managed to save. It is further alleged that after the said occurrence driver of the said tractors started fleeing with tractor but during course of chase, police seized two tractors and one Scorpio.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation, her name has been surfaced in this case as owner of tractor bearing Registration No. BR-27GA- 0687. Learned counsel further submits that tractor was taken away from the house of the petitioner and due to previous enmity between husband of the petitioner and husband of local MLA, petitioner



has been falsely made accused in the present case. Learned counsel further submits that son of petitioner has submitted application on 29.08.2023 to Hon'ble Chief Minister of Bihar (Annexure-2 to the bail petition) and Inspector General of Police, Magadh Region, Gaya on 12.09.2023 (Annexure-2/1 to the bail petition) in the light of false accusation. Basically, petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that neither there is allegation that any police personnel has sustained injury in the alleged occurrence nor is there any injury report and hence, no offence is made out against the petitioner under Section 109 of B.N.S. He further submits that petitioner is lady and has nothing to do with the alleged occurrence. There is no compliance of Section 103 of BNSS while preparing the seizure list. Co-accused Raja Kumar @ Aryan @ Aryan Singh has already been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 31971 of 2025 and case of present petitioner stands on better footing as petitioner has no criminal antecedent and on the principle of parity, petitioner deserves anticipatory bail.

5. The learned A.P.P. for the State and learned counsel appearing for Department of Mines and Minerals



vehemently oppose the prayer for anticipatory bail of the petitioner and submit that petitioner is owner of tractor bearing Registration No. BR-27GA-0687 which has been seized by the police and hence, involvement of the petitioner cannot be outrightly rejected.

6. Considering the facts and circumstances of the case, petitioner is lady and has no criminal antecedent, co-accused has already been granted anticipatory bail by co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 Judicial Magistrate, 1st Class, Nawada in connection with Shahpur P.S. Case No. 18 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the trial



court, if so required by the trial court.
7. The application stands allowed.

(Alok Kumar Pandey, J)

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