

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27616 of 2025

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

Rakesh Kumar S/o Upendra Singh R/o Vill - Naromurar, P.S - Warisaliganj,
Dist - Nawada

... .. Petitioner

Versus

1. The State of Bihar
 2. Principal Secretary, Department of Mines and Minerals, Bihar, Patna
- Opposite Parties

Appearance :

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

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 his 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, present petitioner (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 innocent and has committed no offence as alleged in the FIR. He further submits that petitioner is neither owner nor driver of alleged both tractors. Learned counsel further submits that petitioner bears criminal antecedent of two cases. Learned counsel further submits that tractors were taken away from the premises of Ram Udar Singh @ Ramotar Singh who is husband of co-accused Pinki Devi as well as father of co-accused Raja Kumar @ Aryan and petitioner is distant relative of said Ramotar Singh and due to previous enmity between Ramotar Singh and husband of local MLA, petitioner has been falsely made accused in the present case. Learned counsel further submits that son of Ramotar Singh 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. 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 there is no compliance of Section 103 of BNSS while preparing 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 similar footing 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 opposed the prayer for anticipatory bail of the petitioner and submitted that petitioner is named in the FIR and his involvement cannot be outrightly rejected.

6. Considering the facts and circumstances of the case, co-accused has already been granted anticipatory bail by co-ordinate Bench of this Court and on the principle of parity,



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 his 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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