

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31971 of 2025

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

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Raja Kumar @ Aryan @ Aryan Singh S/O Ram Udar Singh @ Ramotar Singh R/O Vill.- Apsarh, P.s.- Warsaliganj, Dist.- Nawada. At Present Resident of Village - Nepura, P.S.- Shahpur, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Shahpur P.S. Case No. 18 of 2025 registered for the offences 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 case, police received information that two tractors loaded with sand were not covered. When the police party reached, the drivers of the tractors tried to run away. The police demanded challan and when the challan was not produced and police have been preparing papers for seizure of the tractors, the petitioner and other co-accused



persons came on Scorpio vehicle and the petitioner ordered the drivers of the tractors to run over the police vehicle and the drivers damaged the police vehicle. When the tractor drivers tried to flee away taking the tractors with them, police chased but this petitioner in his Scorpio tried to obstruct the chase. Further, allegation is that the drivers and the passengers of the tractors fled away leaving behind the tractors and prior to that the tractor drivers unloaded the sand from the tractors while fleeing.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No occurrence as alleged has ever taken place. Both the tractors and the Scorpio vehicle were parked in the premises of the house of the petitioner but due to enmity between the father of the petitioner and the husband of present MLA, the whole case has been fastened upon the petitioner and his family. Learned counsel further submits that the police has very conveniently stated that the tractor drivers unloaded the sand. There is no stolen sand seized from the tractors and there is no independent witness. No videography was done for the occurrence and no injury was sustained by any of the police officials. The instant case has not been lodged at the instance of



Mining Officer rather a false case has been lodged and for this reason, there is no basis for proceeding further with the prosecution case as it is an illegal case. Learned counsel further submits that the falsity of the allegation is also apparent from the fact that though the drivers were investigated and enquired into by police personnel but they were not apprehended. Learned counsel further submits that the petitioner has been made accused in this case as well as 4 other cases at the instance of the husband of the local MLA who himself a history sheeter and his acts were opposed by the family of the petitioner, he being repeatedly made accused in false cases.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner ordered for running over of the tractors on the police vehicle and also obstructed the interception of the tractors.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague and doubtful nature of case against the petitioner and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on



furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Nawada/concerned court in connection with Shahpur P.S. Case No. 18 of 2025, subject to the condition as laid down under Section 482(2) of the 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 court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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