

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34460 of 2025

Arising Out of PS. Case No.-191 Year-2024 Thana- KASHICHAK District- Nawada

1. Jaymanti Devi W/o Amirak Rajak R/o vill - Farha, P.S.- Nemdarganj, Distt.- Nawada, Bihar
2. Nagendra Prasad Yadav @ Nagendra Yadav S/o Jago Yadav R/o vill - Khanapur, P.S.- Warisaliganj, Distt.- Nawada, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Prasad Singh, Adv.
For the State	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 05-08-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 305(c), 317(2) of the B.N.S., 2023.

3. The allegation in the FIR is with regard to transport of sand on a tractor/trailer which was being driven by one Dheeraj Kumar who failed to show any valid documents pertaining to the said vehicle which was overloaded with sand with no valid documents and consignment.

4. Learned counsel for the petitioners submits that both the petitioners are not named in the FIR and their names have



transpired subsequently on account of the fact that they are the owner and the driver of the said vehicle, respectively, but petitioner no.2 was not driving the said vehicle on the alleged date of occurrence and hence, it is precisely the reason why he was not taken into custody. It is further submitted that the petitioners were not present at the place of occurrence and no recovery has been made from their conscious possession. Both the witnesses to the seizure list are not independent witnesses and hence, the mandatory provision of search and seizure is violated. It is next submitted that one of the co-accused persons, namely, Dheeraj Kumar has already been taken into custody and these petitioners have no criminal antecedent as mentioned in para 3 of the bail application. It is also submitted that the vehicle along with loaded sand has also been seized by the concerned authorities and is under their custody and hence, no revenue loss has been caused.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four



weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kashichak P.S. Case No. 191 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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