

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36478 of 2025

Arising Out of PS. Case No.-79 Year-2025 Thana- ATRI District- Gaya

Vishal Kumar S/o Ram Pravesh Singh R/o Village- Bikaipur, P.S.- Atri,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Atri P.S. Case No. 79 of 2025, dated 06.03.2025, lodged under Sections 115(2), 126(2), 303(2), 317(2), 281, 125, 132, 111 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”)

3. As per the prosecution, FIR has been lodged against four named and one unknown accused person, including the present petitioner, who is the owner of the motorcycle. It has been alleged in the FIR that when the police conducted a raid and were preparing the seizure list of the illegal sand, the accused persons arrived at the spot on a motorcycle, interfered with the official duty of the police, and tried to release the



tractor loaded with illegal sand. Furthermore, there is an allegation that the accused persons also began to scuffle with the police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the criminal antecedent of the petitioner is clean and he is a resident of the local village. It is further submitted that the petitioner's name has figured in this case only at the instance of the local chowkidar. Counsel further submits that the petitioner is the owner of the said motorcycle and not the owner of the seized tractor from which illegal sand was recovered. It is further submitted that the person actually involved in the present case has already been apprehended by the police. Counsel also submits that petitioner is ready to fulfil all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that the petitioner's name has figured in this case solely on the basis of the statement made by the local chowkidar.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the



Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M., IV, Gaya, in connection with Atri P.S. Case No. 79 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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