

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33592 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- SIRDALA District- Nawada

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1. ABHISHEK YADAV S/O KULDIP PRASAD YADAV Resident of Village- Ambatari, Police Station- Rajauli, and District- Nawada
 2. Bipendra Kumar S/o Bundi Prasad Yadav @ Bundo Prasad R/o vill - Ratanpur Dibor, P.s - Rajauli, Dist.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines and Mineral Department, Govt. of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Choudhary, Advocate
For the Mines	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard Mr. Nilendu Choudhary, the learned counsel appearing on behalf of the petitioners and Mr. Naresh Dikshit, the learned counsel for the Mines.

2. The petitioners seek regular bail in connection with Sirdala P.S. Case No. 50 of 2025, registered for the offences punishable under Sections 303(2), 317(2), 111(2) of the Bhartiya Nyaya Sanhita (B.N.S.), 2023 & BM(CPTS) Rules-2018 as Amended-2024 . Petitioners have clean antecedent.

3. As per the prosecution case, information was received that a truck was found overloaded with stone chips. When the *challan* was asked for, the driver Abhishek Yadav



(petitioner no.1) and Bipendra Kumar (petitioner no.2), who happens to be the owner of the said vehicle and apprehended with the truck, could not furnish a proper *challan* and it was found that 679 CFT stone chips was loaded on the truck.

4. The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioner no.1 is the driver while petitioner no.2 is the the owner of the said truck and they were not having the *challan* at the relevant time. It has further been submitted that subsequently the *challan* could be procured, however, in the meantime the petitioners were taken into custody and the truck with the stone chips was seized. It has further been submitted that the *challan* has been brought on record by way of Annexure P/2, justifying such carriage of the stone chips. It has lastly been submitted that petitioners have no criminal antecedent and they are in custody since 19.02.2025

5. Mr Naresh Dikshit, the learned counsel appearing on behalf of the Mines has opposed the prayer for bail and has stated that the *challan* is post facto documentation done by the petitioners in order to save themselves. It has also been submitted that the truck was found to be overloaded and for which separate proceedings is going on.



6. Considering the aforesaid submissions made by the parties and taking into account that the petitioners have clean antecedent and they are in custody since 19.02.2025, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on bail furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Judicial Magistrate-1st Class, Nawada, in connection with Sirdala P.S. Case No. 50 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be his close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal



antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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