

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35132 of 2025

Arising Out of PS. Case No.-431 Year-2024 Thana- CHANDAUTI District- Gaya

=====

Pawan Yadav @ Pawan Kumar S/o Arjun Yadav R/o Village- Kandi
(Nawadah), PS- Chandauti, Distt.- Gaya

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. Mines Department, Gaya, Distt. - Gaya

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the State : Mr. Lalan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 04-09-2025 Heard both sides.

2. The petitioner is apprehending his arrest in connection with Chandauti P.S. Case No. 431 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 192, 115(2), 303(2), 132, 351(2) of BNS.

3. As per prosecution case, informant along with other police official saw a tractor loaded with sand and when paper was demanded, driver of said tractor did not produce any paper. It is alleged that when informant tried to seize the said tractor, some persons arrived there and misbehaved with the informant and they fled away along with the tractor. It is further alleged that informant made videography of entire incident and on the basis of said videography, it was found that petitioner along with



six FIR named accused and 6-7 unknown persons are involved in the alleged occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel further submits that petitioner is neither owner nor driver of the tractor in question and he is also not purchaser of the sand. He further submits that there is no specific allegation against the petitioner rather specific allegation is against driver of the tractor, namely, Chhotu Kumar. He further submits that there is delay of two days in lodging the FIR as alleged occurrence took place on 12.11.2024 at 2:20 PM and FIR has been registered on 14.11.2024 at 10:40 PM and no plausible explanation has been given regarding the said delay which questions the authenticity of the prosecution story. Petitioner bears criminal antecedent of one case in which he is on bail. In the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner as alleged in the FIR.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that name of petitioner finds place in the FIR and hence, he cannot escape



from the liability of allegation made in the prosecution story.

6. Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 431 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

