

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34076 of 2025

Arising Out of PS. Case No.-537 Year-2024 Thana- AKBARPUR District- Nawada

Kamlesh Kumar Son of Surendra Prasad R/o Vill.- Pachrukhi, P.S.- Akbarpur,
Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Ranjan, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-05-2025 Learned counsel for the petitioner is permitted to
make necessary correction in Paragraph 7 of the instant bail
petition filed on behalf of the petitioner.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Akbarpur P.S. Case No. 537 of 2024 registered
for the offences punishable under Sections 303(2) and 317(2) of
B.N.S.

4. As per prosecution case, informant received
secret information that two persons were illegally extracting
sand from *Khuri* river near village Pachrukhi. Thereafter,
informant alongwith police officials reached at the spot and after
seeing the police, two persons started fleeing away and they



were identified by the local chaukidar as petitioner and other. It is alleged that e-rickshaw (Toto) was seized at the place of occurrence.

5. Learned counsel for the petitioner submits through paragraph 11 of the instant bail petition that petitioner is neither owner nor driver of the alleged e-rickshaw (Toto) in question. Petitioner was not found at the place of occurrence. He further submits that because of having enmity with the local chaukidar, the present petitioner has falsely been implicated in the present case. Petitioner is innocent and has committed no offence as alleged in the FIR. Seizure list has not been made as per law. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner bears no criminal antecedent.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 C.J.M., Nawada in connection with Akbarpur P.S. Case No. 537 of 2024, subject to the conditions as laid down under Section 482 (2)of BNSS.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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