

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39880 of 2025

Arising Out of PS. Case No.-281 Year-2024 Thana- GOVINDPUR District- Nawada

Balram kumar S/o Late Mahesh Yadav Resident of Vill- Shikharpur, P.S.-
Govindpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Govindpur P.S. Case No. 281 of 2024 registered for the offences punishable under Sections 303(2), 317(2), 111(3), 111(4) of B.N.S., 2023.

3. As per prosecution case, there is allegation that petitioner and others who are said to have made illegal digging in river. It is alleged that in course of raid the office-in-charge of Govindpur P.S. saw a tractor in the river in which sand was being loaded and on seeing police the driver and other persons fled away. The details regarding tractor was mentioned in the F.I.R. and quantity of sand loaded was about 100 CFT. The name of petitioner was disclosed by local residents.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. Learned counsel orally submits that petitioner is not the owner of the tractor in question and he is not in any way connected with the alleged occurrence. Petitioner has no criminal antecedent of one case i.e. Govindpur P.S. Case No. 137 of 2024 and because of having criminal antecedent he has been falsely implicated in the present case. Although there is no averment in the petition as to whether petitioner is on bail or not, however, learned counsel orally submits that petitioner is on bail in the said case. Learned counsel for the petitioner submits that co-accused, Mukesh Kumar, having similar and identical allegation has already been granted anticipatory bail by this Court in Cr. Misc. No. 18589 of 2025 (Annexure-2) and on the principle of parity, petitioner deserves the same treatment. Learned counsel submits that petitioner is ready to co-operate in the investigation.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that name of the petitioner finds place in the prosecution story and he cannot escape from the liability of the allegations levelled in the F.I.R.



6. Considering the facts and circumstances of the case, co-accused having similar and identical allegation has already been granted anticipatory bail, 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Nawada in connection with Govindpur P.S. Case No. 281 of 2024, subject to the conditions as laid down under section 482(2) of the B.N.S.S.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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