

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44189 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- Gurupa District- Gaya

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Upendra Kumar Yadav @ Upendra Yadav Son of Jugan Yadav Village -
Gurpal Kathautia, P.S.- Gurpa, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Durgesh Nandan , Advocate
For the State : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 191(1), 191(3), 190, 74, 61(2), 324(4), 303(2), 317(2), 132, 111 and 112 of the B.N.S..

3. As per prosecution case, this petitioner was arrested on the spot along with tractor in which illegally excavated sand was loaded but later on, other co-accused persons, using criminal force, got him released from police custody.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has



committed no offence. From bare perusal of the F.I.R. it is apparent that there is serious contradiction with respect to the date of alleged occurrence. As per *fardbeyan* as well as impugned order, the date of alleged occurrence is said to be 17.03.2025 at 5 PM and at the signature place, the date is given as 07.08.2025, however, at other places the date of occurrence is mentioned as 07.03.2025. The variation in the date of occurrence at different places discloses that the informant was in very much hurry in instituting and implicating this petitioner and other accused persons. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that this petitioner is named in the F.I.R. with specific accusation that he was apprehended at the spot with his tractor in which illegally excavated sand was loaded. It is further alleged that with the help of other co-accused persons, he got himself forcefully released from the police custody. Petitioner is owner cum driver of the tractor in question.

6. Considering the facts and circumstances of the case and nature of accusation, the prayer for grant of anticipatory bail



to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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