

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64448 of 2025

Arising Out of PS. Case No.-37 Year-2019 Thana- KIUL District- Lakhisarai

Amarendra Kumar @ Chunnu Yadav @ Chunnu Kumar, S/o Ambika Prasad
Yadav, R/o Village- Nista, P.S.- Surajgarha, Dist- Lakhisarai

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parmanand Pd. Nr. Sahi, Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-11-2025 Heard learned Advocate for the petitioner and the learned APP for the State as well as learned Advocate for the Mines Department.

2. The petitioner is apprehending his arrest in connection with Kiul P.S. Case No. 37 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 337, 427, 353, 504, 506 of the Indian Penal Code and Section 3 of the Prevention of Damage of Public Property Act.

3. In course of patrolling, the police noticed that 3-4 tractors were indulged in transporting illegal mining (sand) from Kiul river. The tractors were escorted by 30-40 persons, who were on motorcycles. When the police team intercepted the tractors, the accused persons created ruckus and started abusing



and assaulting the police personnel with *Lathi* and *Danda*. They also damaged the police vehicles. The local *Chaukidar* identified the accused persons, including the petitioner.

4. Learned Advocate for the petitioner submitted that the F.I.R. has been instituted against 40 named accused persons and 100-150 unknown persons. So far the name of the petitioner is concerned, there is clear discrepancy in the name and parentage of the petitioner, however, subsequently, during the course of investigation, the police started chasing behind the petitioner, and, as such, apprehension of arrest has been arisen. Hence, the present application. The other accused persons, who were named in the F.I.R., have been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court, much earlier, the copies of some of the orders of this Court have been placed on record as Annexures- P/2 and P/3 to the application.

5. On the other hand, learned APP for the State and the Mines Department vehemently opposed the bail application and submit that taking benefit of mistaken identity, the petitioner was evading his arrest for the last five years; all the more, he has been identified by the local *Chaukidar*.

6. Having considered the submissions advanced by



the learned Advocate for the respective parties and taking note of the omnibus nature of allegation, coupled with the suspected identity of the petitioner, besides the fact that the case of the petitioner stands on parity of other accused persons, who have been granted anticipatory bail, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 37 of 2019, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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