

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74583 of 2025

Arising Out of PS. Case No.-246 Year-2025 Thana- AKBARPUR District- Nawada

Gopal Kumar @ Gopal Singh Son of Late Arvind Singh Resident of Village -
Kulna, P.S. - Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-11-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 303(2),
132, 111 and 3(5) of the BNS, 2023.

3. Learned counsel appearing on behalf of the
petitioner submits that petitioner has antecedent of seven cases
but then was acquitted in three cases, as such, as of date he has
antecedent of four cases and the informant alleges that he
received secret information that Kundan Kumar, Gopal Kumar
@ Gopal Singh (petitioner), Karu Singh @ Karyanand Sharma,
Sheru Kumar and Chutar Kumar are illegally mining the sand
from Khuri river, accordingly, he reached the place of
occurrence along with the police force and saw three tractors
and two motorcycles in the riverbed and the sand was being



loaded on the tractors. Further, on three tractors, 80, 90 and 70 Cft. of sand was loaded, accordingly, the tractors were seized along with the two motorcycles but then the aforesaid five accused persons along with 10-15 unknown accused came and forcibly took the tractors away and the motorcycles were brought to the police station, thus, alleges that accused in an organized manner indulged in illegal mining of sand.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that on receiving information, he along with the police force reached the place of occurrence and seized three tractors loaded with the sand along with the two motorcycles but then the named accused persons along with 10-15 unknown accused came and they forcibly took the tractors away. It is next submitted that the FIR does not even remotely suggest that the accused indulged in any kind of unruly behaviour for taking the tractors away. It is also submitted that it does not appear probable that in presence of the police, the accused would have taken the tractors away without resorting to force, as such, it appears that the case has been falsely instituted.



5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that Karu Singh @ Karyanand Sharma @ Karinand Sharma had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 74388 of 2025 and the same was rejected by an order dated 19.11.2025 after considering the case on merit and in detail and the case of the petitioner is on a similar footing. It is further submitted that Karu Singh @ Karyanand Sharma @ Karinand Sharma had antecedent of two cases whereas this petitioner has antecedent of four cases.

6. Considering the submissions made by the learned A.P.P. for the State and taking into consideration the order dated 19.11.2025 passed in Cr. Misc. No. 74388 of 2025, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Akbarpur P.S. Case No. 246 of 2025 pending in the Court of learned Chief Judicial Magistrate, Nawada/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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