

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81765 of 2025

Arising Out of PS. Case No.-667 Year-2025 Thana- BIHTA District- Patna

Awadhesh Kumar Son of Ramsubhag Yadav Resident of Village - Kelhanpur,
P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Inspector, Mines Office, Bihta, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Sr. Advocate Mr. Abhishek, Advocate Mr. Rajeev Kumar, Advocate
For the Opposite Party/s :		Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-12-2025 Heard Mr. Jitendra Kumar Singh, learned Advocate
for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 667 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 324(2), 132, 351(2) read with Sections 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The police, on a tip off illegal mining, conducted raid with the police officials. In course of raid, when the police personnel tried to intercept a Tractor, loaded with illegal sand, the driver was succeeded in fleeing away after leaving the tractor. However, in the meanwhile, some of the miscreants assembled there and forcibly taken away the seized Tractor. In



the said occurrence, they also assaulted the police personnel. The local *Chaukidar* and the villagers identified the miscreants, including the petitioner.

4. Learned Senior Advocate for the petitioner referring to the F.I.R. contended that the entire case is revolving around suspicious identification led by the *Chaukidar* and the villagers. Save and except the suspicion, there is nothing against the petitioner. The *Chaukidar* is not the local people/villager and, as such, identification of the petitioner appears to be doubtful; even if during the course of investigation, the *Chaukidar* has not disclosed as to what role has been played by the petitioner. Taking note of the aforesaid facts, other co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail by learned coordinate Benches of this Court in Cr. Misc. No. 78313 of 2025 and in Cr. Misc. No. 79881 of 2025 vide orders dated 03.12.2025 and 08.12.2025 respectively. The copies of the said orders have been produced before this Court, which are taken on record. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that



identification made by the *Chaukidar* and villagers clearly speaks about the involvement of the petitioner.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the case of the petitioner is based on parity with those, who have been accorded the privilege of anticipatory bail, besides the fair antecedent, 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 Additional Chief Judicial Magistrate-II, Danapur, Patna in connection with Bihta P.S. Case No. 667 of 2025, 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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