

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.523 of 2025

Arising Out of PS. Case No.-315 Year-2024 Thana- WAJIRGANJ District- Gaya

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1. Mahesh Yadav S/o- Kishori Yadav Village- Goga PS-Wazirganj District- Gaya
 2. Nitish Kumar S/o- Kesho Prasad Yadav Village- Sonarkhap PS-Tankuppa District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Pd, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Wazirganj Police Station Case No. 315 of 2024,
disclosing offences under Sections 147, 148, 149, 341, 323, 307,
333, 279, 186, 353, 379, 411, 420 and 216 of the Indian Penal
Code.

3. Learned Counsel for the petitioners submits that
petitioner No.2 is not named in the F.I.R. and his name has also
not come during the course of investigation, as such, he is not
having any apprehension of arrest, accordingly, seeks
permission to withdraw the present anticipatory bail application
with respect to petitioner No.2.

4. Permission is granted.

5. As per prosecution case, on 23.05.2024, in the



morning, while the Police was on patrolling duty, they got the information that from Paimar to Bhindas, some persons are carrying illegally extracted sand. Upon this information, the Police went near the place of occurrence and saw that three tractors were coming loaded with sand and upon demand of challan, it was not produced and the tractors were seized. The Police proceeded towards the Police Station and reached near Khankhhoh More, in the meanwhile nine persons came on three motorcycles, protested and assaulted the police party and in the meanwhile, tractor's driver tried to escape but the driver of the tractors fled away leaving the tractor of the petitioner on the spot. The tractor's driver who was arrested disclosed the name of driver of the petitioner's tractor and also disclosed the name of the persons who came on three motorcycles, namely Bhola Yadav, Manish Yadav and Sonu Yadav.

6. Learned Counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has been made accused on the basis of the fact that he happens to be the owner of the tractor. He is not named in the F.I.R. and as per the disclosure of the names of the persons, who arrived on three motorcycles, the petitioner is not one of them. The petitioner has deposited the amount of Rs.35,650/- which includes the cost of



the mineral plus the compounding fee, as per Rule 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Amendment Rules, 2021.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is not named in the F.I.R., his name has not been disclosed by the driver who was arrested by the Police and the petitioner has already deposited the compounding fee and the cost of mineral, I am inclined to grant the petitioner privilege of anticipatory bail.

8. This application is, accordingly, allowed.

9. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gaya, in connection with Wazirganj Police Station Case No. 315 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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