

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2263 of 2025

Arising Out of PS. Case No.-90 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

1. Munna Kumar @ Munna Yadav S/O Suresh Prasad @ Suresh Yadav R/O Village- Chandachak, P.S- Nimchak Bathani, District- Gaya.
2. Sanoj Kumar @ Sanoj Yadav S/O Suresh Yadav R/O Village- Chandachak, P.S- Nimchak Bathani, District- Gaya.
3. Sabis Yadav @ Uttam Kumar @ Sabis Kumar @ Sivas Kumar S/O Suresh Yadav R/O Village- Chandachak, P.S- Nimchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Adv.
		Mr. Ashutosh Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Nimchak Bathani P.S. Case No. 90 of 2024 registered for the offences punishable under Sections 341, 413, 387, 379, 504 and 506/34 of the Indian Penal Code.

3. It is alleged that while the informant was posted as Chowkidar in Nimchak Bathani Police Station, he was deputed to keep vigil over the sand seized in connection with Nimchak Bathani P.S. Case No. 48 of 2024. In the fateful night, all the accused persons, including the petitioners stealthily took away



the seized sand through JCB and Heiwa. It is further alleged that the accused persons were also threatened him that if he would keep on monitoring the sand, he shall be eliminated.

4. Learned counsel for the petitioners drawing the attention of this Court to the written report has contended that admittedly the informant had not seen the occurrence, who had taken the sand in question. However, only on account of the fact that the petitioners were made accused in Nimchak Bathani P.S. Case No. 48 of 2024, a suspicion has been raised that it is the petitioners who had taken away the sand in question by means of JCB machine and Heiwa. The entire allegation is based upon suspicion. Moreover, the written report explicit that the informant was himself responsible for the dereliction of his duty and he could not perform his duty in proper way and thus only in order to screen off his inability, the present FIR has been instituted against the petitioners.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner no.1 bears six criminal antecedent of identical nature whereas petitioners no.2 and 3 having criminal antecedent of two cases.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and



the fact that the suspicion has been raised only on account of the fact that the petitioners were accused in connection with earlier Nimchak Bathani P.S. Case No. 48 of 2024; so far the allegation of threatning is concerned, that has never ever been reduced in writing in Sanha Diary, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya, in connection with Nimchak Bathani P.S. Case No. 90 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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