

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90364 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- SIKARHATTA District- Bhojpur

1. Vimal Pandey @ Vimal Prakash Pandey Son of Sri Parmanand Pandey Resident of Village and P.S.- Shahpur, District- Bhojpur
2. Dadul Yadav Son of Brij Mohan Yadav Resident of Village- Doghra, P.S.- Bihiya, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Bishweshwar Ram, APP
For the Mines Department	:	Mr. Naresh Dikshit, Spl.P.P.
		Mr. Utsav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-06-2025 Heard Mr. Surendra Kumar Mishra, learned counsel for the petitioners and Mr. Bishweshwar Ram, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sikarhatta P.S. Case No. 96 of 2024, F.I.R. dated 21.08.2024 for the offences punishable under Sections 303(2), 132, 238 and 3(5) of the B.N.S.

3. According to prosecution case, the petitioners were involved in the illegal transportation of sand and on being queried the petitioners have not produced any valid documents.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case due to ulterior motive. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that as per allegation in the F.I.R., it appears that the petitioner has taken away the vehicle in question from the place of occurrence and no case under Sections 303(2) and 330(8) of the B.N.S. are made out against the petitioners.

5. The learned counsel for the Mines Department has vehemently opposed the prayer for bail of the petitioners and submits that the S.H.O. of the concerned Police Station has sent a report which suggests that the petitioner has taken away the vehicle in question, so Mines Department is not in a position to ascertain that how much sand was loaded in the truck in question.

6. Considering the aforesaid facts, the petitioners have clean antecedent and the allegation alleged is false and fabricated, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV in connection with Sikarhatta P.S. Case No. 96 of 2024, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S.,
2023 and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

U		T	
---	--	---	--

