

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24760 of 2026

Arising Out of PS. Case No.-167 Year-2022 Thana- RAJAON District- Banka

Diwakar Singh S/o Mahendra Singh Resident of Village - Govindpur, P.S -
Amarpur, District – Banka Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 07-05-2026 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection with Rajoun P.S. Case No. 167 of 2022 registered for the offence under Sections 147, 148, 149, 323, 186, 332, 333, 307, 353, 504, and 506 of the Indian Penal Code and 27 of Arms Act lodged on 23.04.2022.

3. As per the prosecution story, the informant alleged that upon a secret information that at prohibited Rampur Ghat at Chandan river, the accused persons excavating illegal sand, police reached there but were greeted with 50 rounds of firing, 5 tractors without registration number carrying sand were seized. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that none of the tractor belong to the petitioner, he being the villager was just passing over the area, implicated. It is further submitted that similarly situated co-accused has been granted anticipatory bail by coordinate Bench of this Court vide order dated 20.07.2024 passed in Cr. Misc. No.25495 of 2024. Further, he



does not have criminal antecedent and is ready to co-operate in the investigation/diligently appear in the trial.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 10,000/- on his own to the Advocate's Association of the Patna High Court.

6. Learned A.P.P. for the State opposed the prayer stating that in the midnight, not only there was illegal sand mining, when the police reached there, they also resorted to firing.

7. Though the allegation is grave, the same is against hundred of people, petitioner does not have criminal antecedent and he is ready to co-operate in the investigation, this Court is inclined to extend him privilege of anticipatory bail subject to the payment of Rs. 10,000/- to the Advocate's Association of the Patna High Court and receipt has to be submitted.

8. Let the petitioner, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Banka in connection with



Rajoun P.S. Case No. 167 of 2022 subject to condition as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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