

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35238 of 2026

Arising Out of PS. Case No.-298 Year-2025 Thana- DULHIN BAZAR District- Patna

Sonu Kumar S/O Sudhir Singh R/O Vill.- Kaab, P.S.- Rani Talab, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Mining Department, Patna Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41680 of 2026

Arising Out of PS. Case No.-298 Year-2025 Thana- DULHIN BAZAR District- Patna

Binod Kumar S/o Late Deep Narayan Yadav Resident of Village - Dhana,
P.S.- Rani Talab, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35238 of 2026)

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP

For the Mines Department : Ms. Shruti Singh, Adv.

(In CRIMINAL MISCELLANEOUS No. 41680 of 2026)

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

- 3 23-07-2026 Heard learned counsel for the petitioners, learned APP for the State and, as also, counsel for the Mines Department in both the cases.

2. The petitioners are apprehending their arrest in connection with Dulhin Bazar P.S. Case No. 298 of 2025 dated 18.11.2025 registered for the offence punishable under Sections 126(2), 115(2), 132, 109, 103(1), 352, 351(2), 3(5) of the



Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, during inspection on 18.11.2025, the informant intercepted a tractor allegedly carrying illegally mined sand. It is alleged that while the tractor was being taken to the police station, 7–8 persons arrived in a Scorpio vehicle, assaulted the police personnel, intentionally ran over SAP Constable Dukhharan Paswan with the vehicle causing his death, injured another constable and fled away from the spot.

4. Learned counsel for the petitioners submits that the allegation leveled against the petitioners is false and baseless and the petitioners have falsely been implicated in the present case only on the basis of confessional statement of the co-accused of this case namely Sudhir Kumar before the police and have no concern either with the seized Scorpio or with the other persons involved in this case. The petitioners have also never dealt with the sand business.

5. On the other hand, Ms. Shruti Singh, learned counsel appearing on behalf of the Mines Department and the learned APP for the State have vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that as per allegation, 7-8 accused persons armed with lathi and rod assaulted the government officials in revenge of seizure of illegal sand loaded tractor and caused severe injuries to two SAP jawans,



out of that one SAP jawan namely Dukhharan Paswan is said to have died at PMCH, Patna and this fact has surfaced in course of investigation, as is evident from the statements of material witnesses who have also supported the prosecution case, which is referable from Para, 2, 3, 4, 24 and 33 of the case diary, having been called in this case, and even the petitioners' names transpires from the confessional statement of co-accused Sudhir Kumar, who was arrested after due verification of the CCTV footage, and the active participation of these petitioners have surfaced during course of investigation, as it is these two petitioners who are said to have called other accused persons to set the tractor freed from the custody of the police.

6. Having heard learned counsel for the parties and considering the seriousness and nature of the offence committed by these petitioners which involves the killing of the SAP Jawan, by the organized criminal syndicate, constituting a direct, violent assault on the authority and sovereignty of the State itself. The act of the organized syndicate, who are said to have made themselves available on the place of occurrence, on one call by these petitioners, surely manifests that they are not merely committing a private crime, rather they are dismantling the rule of law and challenging the State's monopoly on the legitimate use of force, which needs to be dealt with seriously and as such, this Court by



taking into account the materials having surfaced on record during the course of investigation and co-accused having accepted the involvement of these two petitioners, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

7. Accordingly, the prayer for anticipatory bail of the petitioners, named above, is hereby rejected.

(Ajit Kumar, J)

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