IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63841 of 2026
CNR No. BRHC010813942026
Arising Out of PS. Case No.-92 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

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Md. Baijuddin Son of Late Ajij Ansari Resident of village- Bhatoriya P.S.- Rantipatra Muffasil District- Purnia

... Petitioner/s

Versus

1. The State of Bihar bihar
2. Depertment of Mines Bihar

... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Diwakar Upadhyaya, Adv.
For the Opposite Party/s : Mr.Akshay Lal Pandit, Adv.
For Mines Department : Mr. Naresh Dikshit, Spl P.P. Mine

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

4 27-10-2026 Heard learned counsel for the petitioner as well as learned A.P.P. on behalf of the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Sections 147, 148, 149, 188, 353, 307, 379, 411, 504, 506 of I.P.C. and Section 27 of Arms Act and Section 56 of Bihar Minor Minerals Rules.

3. As per the allegation made in the F.I.R., the police patrol raiding party found six tractors loading sand and allegedly involved in the illegal transportation thereof. It is further alleged that approximately 100 to 150 persons assembled at the place of occurrence and pelted stones upon the police patrol party. In retaliation, the police patrol party also opened fire. It is further alleged that three tractors were seized by the police, one of which allegedly belonged to the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been named in the First Information Report and

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made accused as the owner of the tractor (name not known). His name surfaced in paragraph-238 of the case diary on the basis of an alleged confession, wherein he stated that he was the driver-cum-owner of the vehicle in question. However, learned counsel submits that no confession of the petitioner was recorded by the police. Learned counsel for the petitioner further submits that the tractor in question had been purchased with the financial assistance of Axis Bank, Purnea. However , upon the petitioner's failure to repay the instalments, the tractor was seized by the financier and subsequently sold by way of auction to Rakesh Kumar, son of Rampukar Bhagat, who is stated to be the present owner of the vehicle. It is further submitted that there is no allegation against the petitioner that he participated in the occurrence or pelted stones at the police raiding party. Learned counsel also submits that the other co-accused persons in the present case, namely Sunil Kumar, has been granted bail by a coordinate Bench of this Court in Criminal Miscellaneous No. 74602 of 2024. Learned counsel next submits that there is no material connecting the petitioner with the alleged offence. Learned counsel for the petitioner further submits that the petitioner has a clean antecedent and undertakes to cooperate in the trial and not to repeat any

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offence.

5. The petitioner has been in judicial custody since 16.03.2026.

6. Learned A.P.P. on behalf of the State, along with learned counsel for the Mines has opposed the application submitting that there are allegations against the petitioner concerning the illegal transportation of sand.

7. Taking into consideration the fact that the name of the petitioner transpired in paragraph-238 of the case diary on the basis of the confession which was not recorded in detail, the tractor in question which had already been sold by Axis Bank, Purnea, through auction to Rakesh Kumar and that thus the petitioner no longer remained owner of the said vehicle as well as the assertion supported by a petition submitted by the petitioner's wife before the Senior Superintendent of Police (S.S.P.), Bhagalpur, on 24.06.2026 and also considering the entire facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur or concerned Court, in connection with Jagdishpur P.S. Case No. 92 of 2024, subject to the following conditions:-

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(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) If the petitioner repeats the offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than the present one, his bail bond shall not be accepted.

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner and the delay shall not extend beyond the period of ten days.

(Raj Kumar, J)

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