

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78236 of 2025

Arising Out of PS. Case No.-947 Year-2024 Thana- GAYA MUFASIL District- Gaya

=====

Dipu Malakar @ Dipu Mali S/o Naresh Malakar R/o village- Bhadeja
Devisthan, P.S- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

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

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 06-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 947 of 2024 instituted for the offence
under Sections 190, 191(2), 191(3), 109, 303(2), 317(2), 317(4),
317(5), 111, 125, 132, 121(1) & 121(2) of the Bharatiya Nyaya
Sanhita, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, on secret information
regarding extraction of sand by sand mafia, the police conducted
raid at the bank of Falgu river and apprehended six person from
the spot with 21 tractors loaded with sand and one motorcycle.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 08.07.2025. Petitioner



bears eight criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner was not apprehended on the spot. Apprehended co-accused person disclosed the name of the petitioner. Petitioner is neither the owner nor the driver of any of the vehicles in question. Nothing has been recovered from the conscious possession of the petitioner. Other co-accused has been granted bail by this Court vide order dated 18.06.2025, passed in Cr. Misc. No. 35517 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and manner of petitioner's implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. Case No. 947 of 2024, subject



to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

