

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74709 of 2025

Arising Out of PS. Case No.-246 Year-2025 Thana- AKBARPUR District- Nawada

Chutar Kumar @ Chutar Singh @ Satyaprakash Singh S/O Kishori Singh R/O
VILLAGE- Kulna,P.S. - Akbarpur, DISTRICT- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-02-2026 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 303(2),
132, 111 and 3(5) of the BNS, 2023.

3. Learned counsel appearing on behalf of the
petitioner submits that petitioner has antecedent of four cases,
but then petitioner was acquitted in two cases, as such, as of
now petitioner has antecedent of two cases only. It is next
submitted that informant alleges that he received secret
information that Kundan Kumar, Gopal Kumar, Karu Singh @
Karyanand Sharma, Sheru Kumar and Chutar Kumar
(petitioner) are illegally mining the sand from Khuri river,
accordingly, the informant reached the place of occurrence



along with the police force and saw three tractors and two motorcycles in the riverbed and sand was being loaded on the tractors, further, on three tractors, 80, 90 and 70 Cft. of sand was loaded, accordingly, the tractors were seized along with the two motorcycles, but then the aforesaid five accused persons along with 10-15 unknown accused came and forcibly took the tractors away and the motorcycles were brought to the police station, thus, alleges that accused in an organized manner indulged in illegal mining of sand.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that he received secret information that accused persons including the petitioner were indulging in illegal mining, but then it is submitted that when informant reached the place of occurrence it is not alleged that petitioner was also seen indulging in illegal mining, rather it is alleged that three tractors along with two motorcycles were seized and the accused persons fled, thereafter it is alleged that the accused persons including the petitioner came along with 10-15 unknown accused and forcibly took the tractors away. It is



further submitted that the FIR does not even remotely suggest that the accused persons indulged in any kind of unruly behaviour for taking the tractors away. It is also submitted that it does not appear probable that in presence of the police force, the accused would have taken the tractors away without resorting to force, as such, it appears that the case has been falsely instituted. It is also submitted that since petitioner has antecedent, as such, he came to be implicated. It is fairly submitted that earlier Karu Singh had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 74388 of 2025 and the same came to be rejected by an order dated 19.11.2025, but then the case of the petitioner is not similar to that of Karu Singh, for the reason that Karu Singh was owner of one of the seized tractors and motorcycle, but it has been specifically pleaded at Para-9 of the anticipatory bail application that petitioner is not the owner of any of the seized vehicle. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the anticipatory bail application of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Akbarpur P.S. Case No. 246 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. One of the bailors of the petitioner shall be his father namely Kishori Singh.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

10. It is further made clear that if charge sheet is submitted and thereafter the learned Trial Court comes to a conclusion that petitioner is trying to delay the framing of charge or after framing of charge is trying to delay the trial in any manner, in both the conditions the learned Trial Court shall



be at liberty to cancel the bail bonds of the petitioner

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

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

