

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91145 of 2025

Arising Out of PS. Case No.-211 Year-2012 Thana- CHAKIA District- East Champaran

1. Sanjay Kumar Dubey @ Sanjay Dubey S/o Madhav Dubey R/o vill - Puran Chapra, P.S.- Chakia, Distt.- East Champaran
2. Rupesh Kumar @ Rupesh Patel S/o Jokhan Patel R/o vill - Puran Chapra, P.S.- Chakia, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 23-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in anticipation of their arrest in connection with Chakia P.S. Case No. 211 of 2012 instituted for the offences punishable under Sections 413, 353 and 186 of the Indian Penal Code, Section 33 of the Forest Act and Sections 5/7(5),8/9/10/13/14 of the Bihar Saw Mill Regulation Act, 1990.

3. As per the prosecution case, the allegation against the petitioners is that they had obstructed the informant when the illegal saw mill was running by one Firoz Khan being closed.



4. Learned counsel for the petitioners submits that the petitioners are not the owners of the said saw mill and they have no concern whatsoever and they were not even aware of the lodging of the present FIR. It has been submitted that though the case is of the year 2012 the order sheet, which has been produced before the Court for perusal, shows initially the summons were issued however no report of the same was brought before the court and ultimately non-bailable warrant was issued in the year 2022 and without waiting for the execution report, the learned trial court has issued the process under Section 82 Cr.P.C. It has also been submitted that in view of the judicial pronouncements, it is not an absolute bar for entertaining an anticipatory bail application as contained in the judgment rendered by the Hon'ble Supreme Court in the case of ***Asha Dubey v. State of Madhya Pradesh*** reported in ***2024 SCC OnLine SC 5633***. It is further submitted that from perusal of the order sheet it would be evident that there was no execution report of the non-bailable warrant issued against the petitioners and without waiting for the same Section 82 Cr.P.C. was issued. It has lastly been submitted that the petitioners have clean antecedents.

5. Learned APP appearing on behalf of the State has



vehemently opposed the prayer for anticipatory bail.

6. Considering the facts aforesaid, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakia P.S. Case No. 211 of 2012, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners;

(ii) the petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found



that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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