

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89298 of 2025

Arising Out of PS. Case No.-259 Year-2025 Thana- DUMARIAGHAT District- East
Champaran

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Vijay Kumar Yadav S/O Late Lalbabu Rai R/O Village- Bishrampur
Dubaliya, P.S- Dumaria Ghat, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s :		Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-01-2026 Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Tarun Prasad

Mandal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Dumaria Ghat P.S. Case No. 259/2025 registered for the
offence(s) punishable under Sections 317(5), 3(5) of the BNS.

3. As per the allegation made in the FIR, on
02.09.2025 police reached Vishrampur Dubauli Yadav Chowk
where the petitioner (Vijay Kumar Yadav) was caught stealing
diesel from a parked truck and he fled on seeing the police and
left behind 20 liters of seized diesel, leading to registration of
the present FIR for illegal sale and trade of diesel.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. In course of investigation it has come that the truck driver has not made any complaint regarding diesel theft. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR and the fact that the truck driver has not made any complaint regarding diesel theft while the truck was parked near the shop of the petitioner from where 20 liters of diesel was recovered. It appears that merely because the 20 liters of gallon was recovered from the shop of the petitioner, it will not amount that the petitioner was preparing to sale the petroleum product in black market. I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail

7. The learned District Court is directed to release the petitioner, above named, on pre-arrest bail in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending / Concerned Court in connection with Dumaria Ghat P.S. Case No. 259/2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

8. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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