

IN THE COURT OF SESSIONS JUDGE, AURANGABAD (BIHAR)

A.B.P. No. 526/2026

Arising out of Haspura P.S. Case No. 31/2026

Present:- Rajeev Ranjan Kumar, Sessions Judge, Aurangabad (Bihar)

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1. Jitendra Yadav, S/o late Ramchandra Yadav, age-49 years, R/o village- Malhara, P.S.- Haspura, District- Aurangabad (Bihar).
 2. Rajesh Kumar Yadav, S/o Naresh Yadav, age-32 years, R/o village- Malhara, P.S.- Haspura, District- Aurangabad (Bihar).
 3. Upendra Mahto, S/o Ramadhar Mahto, age-50 years, R/o village- Malhara, P.S.- Haspura, District- Aurangabad (Bihar).
 4. Rajeshwar Mahto @ Ramishwar Mahto, age-56 years, R/o village- Malhara, P.S.- Haspura, District- Aurangabad (Bihar).

... .. Petitioner(s)

Versus

The State of Bihar

... ..Opposite Party(s)

Appearance :

For the Petitioner(s) : Sri Kamlesh Prasad Singh, Adv.
For the State : Sri Ajya Kumar, P.P.

17.03.2026

Apprehending their arrest in connection with Haspura P.S. Case No. 31 of 2026 instituted under Section 303(2), 317(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, petitioners have moved before this court for grant of privileges of anticipatory bail. A copy of the anticipatory bail petition has been served upon the learned P.P.

The prosecution case in brief is that on 19.01.2026, at 03:30 p.m., raid was conducted by the informant along with other police personnel against illegal mining, storage and transportation of sand in village- Malhara. It is alleged that huge quantity of sand i.e. 4000.00 CFT was illegally stored by the petitioners causing huge loss of rupees to the State.

Learned counsel for the petitioners has submitted that the petitioners are quite innocent and have been falsely implicated in this case. It is further submitted that the alleged sand was recovered from the bank of Punpun river and not from the land of the petitioners. The alleged sand was not stored by the petitioners. There is no eye witness to the occurrence. It is further submitted that the seizure list does not contain the name or signature of any

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independent witness and all are police personnel. Petitioner no. 1 is accused in Haspura P.S. Case No. 73/2017, petitioner no. 2 is accused in Haspura P.S. Case No. 205/2025 and petitioner no. 3 is accused in Haspura P.S. Case No. 46/2022. It is therefore prayed that the petitioners be released on anticipatory bail.

On the other hand, learned P.P. opposed the prayer for grant of anticipatory bail to the petitioners.

Heard learned counsel for the petitioners and ld. P.P. for the State.

There is an allegation of illegal storage of sand by the petitioners and wrongful loss was alleged to be caused to the Mining Department. The court has perused the F.I.R. and the case diary. During investigation, the police have recorded the statement of police officials only. No one had seen to the petitioners that they had stored the illegal sand, as alleged by the side of the informant. However, from perusal of the anticipatory bail petition and the case diary, it appears that in the anticipatory bail petition, it is mentioned at para-3 that the petitioner no. 1 is having one criminal antecedent vide Haspura P.S. Case No. 73/2017, petitioner no. 2 is having one criminal antecedent vide Haspura P.S. Case No. 205/2025 and petitioner no. 3 is having one criminal antecedent vide Haspura P.S. Case No. 46/2022 but on the other hand, it is mentioned at para-18 of the case diary that Jitendra Yadav and Upendra Mahto, both are having two criminal antecedent. On inquiry being made, learned counsel for the petitioners submits before the court that so far as, two criminal antecedent against Jitendra Yadav is concerned, he has been got acquittal in Haspura P.S. Case No. 116/2008. Hence, now there is only one case pending against the petitioner Jitendra Yadav. So far as petitioner Upendra Mahto is concerned, he had disclosed that he is having only one criminal antecedent.

Considering the fact that there is no eye witness, who had deposed before I.O. to the fact that petitioners were involved in illegal storage of sand and there is no criminal antecedent of similar nature is found against the petitioners. Hence, **the anticipatory bail petition filed on behalf of above named four petitioners Jitendra Yadav, Rajesh Kumar Yadav, Upendra Mahto and Rajeshwar Mahto @ Ramishwar Mahto is hereby allowed.** It is directed to release the petitioners on bail in the event of their arrest or surrender before

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the learned court below 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 by each petitioners to the satisfaction of the learned court below subject to the conditions as laid down u/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

So far as concealment of criminal antecedent on the part of petitioner no. 3 Upendra Mahto is concerned, there is a fine of Rs. 10,000/- (Rupees Ten Thousand) is directed to be imposed against him, which shall be deposited by the petitioner no. 3 Upendra Mahto to the account of District Legal Services Authority, Aurangabad, which shall be used for the purpose of Lok Adalat or beautification of Civil Court premises. and the receipt of the same to be deposited at the time of furnishing bail bond on his behalf.

Dictated

(Rajeev Ranjan Kumar)
Sessions Judge
Aurangabad (Bihar)