

**IN THE COURT OF SESSIONS JUDGE, BANKA**

*Bail Petition No. 168 of 2026*

*Date of filing : 02.03.2026*

*Date of order : 18.03.2026*

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- 1. Sufian Hussain, son of late Abrak Hussain, aged about 27 years, resident of village-Asnaha, P.S.-Jaipur, District-Banka*
  - 2. Chhotu Kumar Das son of Binod Das, aged about 18 years*
  - 3. Shoyaib Ansari son of Nazam Ansari, both residents of village Asnaha, P.S. Jaipur, District Banka*

*..... Petitioners*

*-Versus-*

*State of Bihar*

*.....Opposite Party*

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*Present :- Sri Ram Kishore Yadav, Advocate for the Petitioner  
Sri Hira Lal Singh, Public Prosecutor for the State*

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**ORDER**

*1. Yearning for an order of emancipation the petition has been filed by the petitioners, who are booked in Jaipur Police Station Case No. 17 of 2026, for the offence allegedly committed under Sections 303(2), 317(2), 223 of BNS and 4(1) MMRD Act 1957, 56(2) BMPIMTS Rule 2019, are confined in jail since 26.02.2026.*

*2. The case of prosecution is based upon an application filed by one Kanhaiya Kumar (SHO, Jaipur Police Station), with the allegations that on 25.02.2026, he was on patrolling, upon an information that four persons were engaged in excavated in illegal sand from Jhilsa Nadi Ghat, when he reached there, he saw one person with a motorcycle*

bearing registration no. AP29AM964. Upon inquiry he disclosed his name Chhotu Kumar Das, he told that he was a passer and he informed about another passer Md. Sohaib, along with a tractor driver and owner Md. Sufian who steals sand on tractor. When they went to the Ghat along with Chhotu Kumar Das, another person was standing with motorcycle, he disclosed his name Md. Sohaib. He was having motorcycle bearing its registration no. JHo4AC1511. When they reached at the Ghat they saw one tractor loaded with sand, by seeing the raiding party, driver thereof tried to escape. He was chased and nabbed. He disclosed his name Sufian Husain.

3. Learned counsel for the petitioners in his oral arguments submitted that the petitioners have falsely been implicated in this case and they are confined in jail since 26.02.2026. They have also paid loss amount to the government. Attention is drawn on letter no. 321, dated 09.03.2025 issued by the mining department, according to which Sufian Husain has deposited Rs. 1,35,313/-.

4. In counter, learned public prosecutor stoutly opposed the bail application.

5. Heard rival submissions and perused the record. As the accused petitioners are confined in jail since 26.02.2026, and they have paid the loss amount to the mining department. Therefore, in the opinion of this court in the nature of this case no fruitful purpose is going to be served by detaining the accused anymore in custody, ergo the accused/petitioners are ordered to be emancipated on bail on their furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of trial court. Out of the two sureties, one will be of the same village or close relative of petitioners.

6. File be consigned to the record room and that of trial court be sent back with a copy of this order.

7. Keeping in view the General Order no. 1 of 1991 (Criminal)

*dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioner on placing the xerox copy thereof on record.*

*(Dictated)*

*(Satya Bhushan Arya)*

*Sessions Judge, Banka*

*18.03.2026*