

**COURT OF DISTRICT & SESSIONS JUDGE, BHOJPUR, ARA****A.B.P. No. 567/2026****(arising out of Shahpur P.S. Case FIR No. 477 of 2023)****Pawan Kumar Rai & Pawan Kumar****Petitioner****Versus****State of Bihar****Opp. Party**

Date of order or proceeding	Order with signature of the court	Office action taken with date
09.03.2026	<p>1. This anticipatory bail petition has been filed on behalf of petitioner, namely, Pawan Kumar Rai & Pawan Kumar, who is apprehending his arrest in connection with Shahpur P.S. Case FIR No. 477/2023 u/ss. 379, 411 of I.P.C. and 56(1), 56(2) of B.M.C. Rules, put up for hearing.</p> <p>2. Heard Shri Atma Singh, Learned Counsel for the Petitioner as well as Shri Rana Pratap Singh, Learned P.P. for the State.</p> <p>3. This case lodged on the Official Complaint of complainant Chandan Kumar Azad, Mines Inspector, Bhojpur and as per prosecution case trucks/vehicles mentioned in FIR were found loaded with illegal sand, thus all of them caused revenue loss to the government of total Rs. 3,22,719/- (Rs. Three Lakh Twenty-Two Thousand Seven Hundred Nineteen Only) and present petitioner is owner of owner-cum-driver of seized Truck bearing registration no. UP-61T-2801, Chassis No.</p>	

**COURT OF DISTRICT & SESSIONS JUDGE, BHOJPUR, ARA****A.B.P. No. 567/2026****(arising out of Shahpur P.S. Case FIR No. 477 of 2023)**

Contd. 09.03.2026	MAT466388C5J15464 and Engine No. 21J84072019. 4. On behalf of the petitioner, it is submitted that no other bail petition has been filed or is pending either in this Sessions Division or before the Hon'ble Court. It is also submitted that petitioner is innocent, has committed no offence and has been falsely implicated in this case. In addition to that Ld. counsel for petitioner submitted that none of the sections mentioned in the FIR is punishable more than 7 years of imprisonment and the case of the petitioner is squarely covered by Arnesh Kumar vs. State of Bihar (2014)8 SCC 273 and Satyendra Kumar Antil vs. C.B.I. 2023(SC) 233 . Ld. Counsel for the petitioner also submitted that petitioner is a man of clean antecedent aged about 40 years and he undertakes to comply with any conditions imposed by this Court, hence, anticipatory bail petition of the petitioner may be allowed. 5. On the contrary, Ld. Public Prosecutor vehemently opposed the bail petition of the petitioner and submitted the truck of owner & driver (petitioner herein) has been seized by the concerned authority loaded with illegal sand and thus it has been clear that petitioner	
------------------------------	---	--

**COURT OF DISTRICT & SESSIONS JUDGE, BHOJPUR, ARA****A.B.P. No. 567/2026****(arising out of Shahpur P.S. Case FIR No. 477 of 2023)**

Contd. 09.03.2026	<p>is indulged in a serious offence of revenue loss, hence, bail petition of petitioner is devoid of merit and same should be dismissed.</p> <p>6. I have heard the rival submission of both the parties and perused the case record. It also appears from the perusal of record that all Sections mentioned in the FIR is punishable with less than 7 years of imprisonment and this case is squarely covered by the law laid down by Hon'ble Supreme Court in Arnesh Kumar vs. State of Bihar (2014)8 SCC 273 and Satyendra Kumar Antil vs. C.B.I. 2023(SC) 233. It is also important to note that all witnesses in this case are official witnesses and case of the prosecution is based on digital / electronic evidence in the control of Mining Department, so there is no chance of either tampering with evidence or influencing the witnesses. Petitioner is a man of clean antecedent aged about 40 years, permanent resident of Bhojpur and he also undertakes to comply with any conditions imposed by this Court, hence, anticipatory bail petition of petitioner is allowed.</p> <p>7. Considering the facts and circumstances of the case discussed hereinabove, all Sections mentioned in the FIR is punishable with less</p>	
------------------------------------	---	--

**COURT OF DISTRICT & SESSIONS JUDGE, BHOJPUR, ARA****A.B.P. No. 567/2026****(arising out of Shahpur P.S. Case FIR No. 477 of 2023)**

Contd. 09.03.2026	<p>than 7 years of imprisonment and clean antecedent of petitioner, hence, anticipatory bail petition of petitioners, namely, Pawan Kumar Rai & Pawan Kumar is allowed and it is ordered that in the event of arrest/surrender he will be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- (Rs. Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Learned Court below within four weeks of this order subject to the conditions as laid down u/s 482(2) BNSS. Subject to the condition that the petitioner shall make himself available for interrogation by a police officer as and when required and the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer. Any observation made herein will be inconsequential for further proceeding.</p> <p style="text-align: center;">(Dictated & corrected by me)</p> <p style="text-align: center;">Sd/- (Purushottam Mishra) Sessions Judge. 09.03.2026</p>	