

COURT OF ADDITIONAL SESSIONS JUDGE-IV, JAMUI

A.B.A.NO.- 441/2026

Niraj Yadav and one another Vs. The State of Bihar.

A.B.A.NO.- 441/2026

Arising out of Gidhaur P.S Case No.-57/2026

U/S- 303(3), 317(2) of B.N.S

Learned counsel for the Petitioner..... Sri Shiv Kumar Tanti, Advocate

Learned counsel for the State.....Sri Dhiraj Kr. Singh, A.P.P.

PRESENT-PRABHAT KUMAR SRIVASTAVA

DISTRICT AND ADDL. SESSIONS JUDGE-IV, JAMUI

DATE OF ORDER- 04th, May 2026

ORDER

04-05-2026

Anticipatory bail application filed on behalf of petitioner Niraj Yadav S/o Naresh Yadav R/o Vill Jamua, P.S- Barhat, District- Jamui and Putul Kumari W/o Mukesh Kumar Yadav R/o Vill- Banpur, P.S- Khaira, District- Jamui in connection with **Gidhaur P.S Case No.-57/2026, U/S- 303(3), 317(2) of B.N.S**, is put up before me for order today. Copy of bail petition has duly been given to Ld. A.P.P.

The prosecution case in brief as per F.I.R is that on 26-03-2026 A.S.I Manish Kumar was on patrolling duty along with other police personals, when at about 12:15 P.M he received an information that a tractor loaded with sand is going on towards Sewa vil-lage. The informant gave information to higher authority and he reached near Bhanvarba Pul and saw that one tractor is coming and informant tried to stop the tractor but the driver fled away. The tractor was of EICHER Company vide Engine No. S325L73561 and Chasis No- 930513165128 and Reg No. was invisible. On tractor trailer 100 CFT sand was loaded accordingly the seizure list was prepared.

Learned counsel for the petitioners submitted that they are quite innocent and have committed no offence and has falsely been implicated in this case with an ulterior motive. He further submitted that no bail application either anticipatory or regular on behalf of the petitioners have been filed or rejected either by the Sessions Court or by the Hon'ble High Court Patna earlier. The petitioner No. 2 has one criminal antecedent having Khaira P.S Case No. 265/18 while petitioner No. 1 is a man of spotless character. Allegation leveled against the petitioners are totally false, frivolous and concocted. There is general and omnibus allegation against the petitioners who are driver and owner of the tractor. The sand was being carried on the tractor through valid challan. Thus, it is submitted that they may be allowed bail.

On the other hand learned A.P.P. opposed the bail application.

Heard the submission made by both the parties. Allegation is that from EICHER tractor having EICHER VSJ Registration No. not clear, engine No. S325L73561, Chechis

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930513165128 with Red color trailor was carrying sand; accordingly case was registered against driver and owner. Petitioner No. 1 claims himself as driver of said tractor and trailor while petitioner No. 2 claims himself as owner thereof. Sale-letter is in the name of petitioner No. 2. Registered owner of said tractor, present in the court submits the fact that she has sold the tractor to petitioner No. 2. Copy of challan has been filed which shows that the tractor was transporting the sand through valid challan. So, having considered the fact and circumstances mentioned above, taking into account the fact that the sand was being carried through valid challan I am of the view to allow anticipatory bail to the petitioners **provisionally** with direction that they will co-operate in investigation. Accordingly, in case of arrest or surrender within one month of receiving the order the petitioners are directed to be released on furnishing a bail bond of Rs. 20,000/- with two sureties of like amount each to the satisfaction of Ld. trial court with further condition that one of the bailor will be family member/close relative of the petitioners. The petitioners will co-operate in investigation and trial and appear in the court physically when ordered so. Accordingly prayer for anticipatory bail is **Allowed** hereby. Provisional bail will be confirmed by Ld. trial court if it finds that the petitioners have co-operated during investigation. In case if it is found that the petitioners (either of the petitioner) are not co-operating in investigation his/their bail bond may be canceled.

Sd/-

**District & Addl. Sessions Judge-IV,
Jamui**

Copy forwarded to the court of A.C.J.M-1st Jamui. For information & needful, reference in Gidhaur P.S Case No- 57/2026.

**District & Addl. Sessions Judge-IV,
Jamui**

Date of judgment/order	04 th , May 2026
Date of reserving judgment/order	Nil (same date)
Uploading date	05 th , May 2026
Uploaded by	Shraddha Sharma