

IN THE COURT OF AMIT KUMAR, ADDL. SESSIONS JUDGE V, JAMUI

-----**(B.A. No. 332/2026)**-----

Arising out of Sikandra P.S. Case No. 90 Year 2026, District-Jamui

Upendra Kumar Yadav Vs. State of Bihar

For Petitioner : Ld. Counsel Sri. Rajeev Ranjan.

For The State : Ld. Addl.P.P. Sri. Sanjeev Kumar Singh.

Date of order : 04.06.2026

1. The present regular bail application has been filed on behalf of the accused petitioner namely **1. Upendra Kumar Yadav, S/o Late Boudhu Yadav, aged about 41 years, R/o Vill-Ranhan, P.S.-Sikandra, District-Jamui**, who is languishing in jail custody since 08.05.2026 in connection with Sikandra P.S. Case No. 90 Year 2026 registered under sections 303(2), 317(4), 132, 118(2), 109(1), 352, 351(3) and 3 (5) of the B.N.S.

2. The prosecution case in brief is that informant on dated 14.04.26 at about 06:10 o' clock S.I. Piyush Kumar, presently of Sikandra Police Station together with police party proceeded for morning patrolling, investigation of pending cases and raid on illegal sand mining. During the patrolling, when he was roaming at village Sikandra Chowk. Then at around 07:30 AM, secret information was received that a Swaraj tractor loaded with illegal sand is coming from village Mahadev Simaria. After informing the senior police officer for verification of the information received and necessary action, when at around 07:45 pm, he reached near the main road of village Mahadev Simaria, he saw that a tractor loaded with sand was coming from Jamui side on the paved road, which was chased by the armed force, meanwhile the tractor driver lifted the hydraulic and dropped about 100 cubic feet of sand loaded in the trailer on the paved road and started running away with the tractor, which was chased by the police force, the driver managed to escape by leaving the tractor near the village Harla mosque. Thereafter, the accompanying police party driver Alok Kumar and home guard personnel Dinesh Kumar Singh were ordered to take the seized tractor, then 03-04 men attacked the driver Alok Kumar and Dinesh Kumar Singh with iron rods and bricks, one of them, whom people were calling Sarbind, while hitting with a brick, instigated Upendra to hit the policeman using abusive language and threatening. Upendra Kumar and a person, whom everyone was calling Pankaj, started snatching the rifle from home guard personnel Dinesh Kumar Singh and hit him on the hand with an iron rod and with the intention of killing the driver Alok Kumar, they broke his head by hitting him with bricks and rods and tried to escape after snatching the vehicle, when we ran, they took advantage of the crowd and managed to escape, thereafter local witnesses were called for search. Searches were made but due to fear of sand mafia no one was ready to become a witness, then police party accompanying considering them as independent witnesses search was conducted, the said Swaraj tractor model no. 735FE whose registration number worn out, engine no. CJ.1354/LH005936 chassis no.-MBNAJ48 AFLTH46997 during inspection, no valid challan of any kind related to sand was found from the said vehicle. And the sand that fell from the tractor's trailer was left at the spot itself.

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The said Swaraj tractor was duly seized after preparing a proper seizure list and videography. It is further stated that several cases are registered against sand mafia Upendra Kumar Yadav in Sikandra police station. On the basis of above, FIR was registered against the accused persons.

3. Learned counsel for the petitioner submitted that petitioner is quite innocent and has committed no offence and falsely been implicated in this case on the basis of fabricated story prepared by police. An anticipatory bail application which was pending before this court has been withdrawn. The petitioner has criminal antecedent in seven more cases. All the sections are bailable except section 109 of the B.N.S. which is not applicable against the petitioner. There is no single independent witness of the case rather the witnesses are members of raiding party. The petitioner is in custody since 08.05.2026, therefore, it is prayed to enlarge the petitioners on regular bail.

4. On the other hand, learned Addl. P.P. vehemently opposed the prayer for bail.

5. Heard both parties in detail and perused the record.

6. The present FIR has been registered for offence punishable, under sections 303(2), 317(4), 132, 118(2), 109(1), 352, 351(3) and 3 (5) of the B.N.S. The re-statement of the informant has been recorded vide para no. 3 and the statement of witnesses has been recorded vide para no. 4 and 5 of the case diary. Criminal antecedent of the petitioner has been mentioned at para no. 11 of the case diary. Injury report of injured has also been placed on record.

7. Perusal of record reflects that though the accused petitioner is named in the FIR and there is allegation of assault against him. However, from perusal of record it transpires that there is no specific allegation of assault against him. Petitioner was not arrested from the spot. Injury report of injured has been opined as simple in nature. The petitioner is languishing in jail since 08.05.2026.

8. Considering aforesaid facts and circumstances of the case, the nature of allegation against the petitioner coupled with period of incarceration, the regular bail petition of the petitioner namely **Upendra Kumar Yadav, is hereby allowed**. He is directed to be released on bail by furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of learned trial court, subject to the conditions as laid down u/s 480(3) of the B.N.S.S.

9. O/C is directed to send back lower court record, if any, along with a copy of this order to the court concerned for needful.

Dictated

Addl. Sessions Judge - V, Jamui