

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VI, JAMUI
Regular Bail Petition No. 349 of year 2025
(Arising out of Jamui P.S. Case No. 141/2025)

Nitish Kumar, S/o- Srinath Yadav

R/o: Vill- Doghoy, P.S.- Jamui, Distt- Jamui

..... Petitioner

Versus

The State of Bihar

..... Opposite Party

For the Petitioner	: Ld. Counsel Sri Rajeev Ranjan, Advocate
For the State	: Ld. Addl. P.P. Sri. Chigu Ravidas.

Present: Manoranjan Kumar Jha,
Additional Sessions Judge-VI, Jamui

Dated: 17.06.2026

1. The present Bail Petition has been filed on behalf of accused-petitioner namely, **Nitish Kumar**, who is in judicial custody since 13.05.2026 in connection with Jamui P.S. Case No. 141/2025, U/s 191(2), 190, 115(2), 262, 263, 310(6), 121(1), 125(a), 125(b), 317(2), 317(5), 352, 126(2), 303(2), 281, 324(5), 132, 109 of B.N.S., is hereby disposed of.

2. The case of the prosecution in brief is that according to the written application of the informant, A.S.I, Ishwarnath presently posted at Jamui P.S. On dated 10.3.2025, at about 5 am proceeded alongwith other members of police from Jamui P.S. to raid on place where the illegal sand mining was going on. During the petrolling, he got an information at about 8:30 a.m., two loaded tractors loaded with illegal sand from Daulatpur Ghat are going towards Maniyadda via Mahisaudhi thereafter, to verify the information received and take necessary action, they reached near Lagama canal at about 8:50 and saw that two tractors loaded started unloading the sand from the tractor trolley and one tractor started running towards Bhatchak village and the other tractor ran away leaving the tractor on the west side of Lagama canal road. Where they tried to catch the tractor driver but he managed to escape. Thereafter, when they reached near the tractor, they saw that about 10 tubs of illegal sand were found in the trolley of a blue coloured Swaraj Company Tractor. On the place of incidence, about 40-50 people had gathered, seeing the law and order problem, informant immediately started taking the tractor to the police station with the help of home guard Pankaj Kumar who had accompanied us while coming to the police station in the meantime, about 12-15 people were chasing them on 8-10 motorcycles and the armed forces were coming behind. The tractor for security as soon as they reached near the Electricity Office on Mahisaurahi Road due to crowd in the market some vehicles came in front of the police vehicle and tractor went a little ahead in the meantime, all the people who were chasing the tractor and blocked the road by throwing the motorcycle in front of the tractor and stopped the tractor forcefully. After that accused persons who were present there pushed and

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Contd....
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abused the driver home guard Pankaj Kumar who was accompanying the tractor and threw him off the tractor by using the criminal force. The tractor started running very fast and recklessly, running it. On inquiry, the name and address of the persons who ran away with the tractor from the people present at the spot, it was found out that the name of the owner of the blue colour Sawraj Company Tractor is Gautam Kumar alongwith other co-accused persons, namely, Gaurav Rawat, Gabbar Yadav, Vikash Yadav, Babloo Yadav, Gorelal Yadav, Kanhaiya Yadav, Mantu Yadav, Nitish Kumar and 10-15 unknown persons were involved in the entire incidence. In the entire incidence, one home guard on duty sustained injuries and two other persons also suffered injuries. It was also alleged by the informant that the persons who were involved in the alleged incidence are sand mafiyas and runs the illegal mining of sand syndicate by forming the gang and makes the illegal mining of sand from the Daulatpur Ghat. It was also alleged by the informant that the accused persons have assaulted the police persons and commuters and taken away the loaded tractor of illegal sand from the custody of police.

3. It is submitted that no other bail application has been filed either in this Ld. Court or the Hon'ble High Court Patna except to it.

4. It is also submitted by the Ld. Counsel of the petitioner that the accused petitioner has committed no offence and is quite innocent. Further, submitted that on 15.05.2026, the petitioner filed his regular bail application on behalf or the Ld. Court of C.J.M., Jamui but Ld. C.J.M. has rejected his regular bail application without any consider. Earlier, in this case one Gaurav Rawat regular bail has been allowed by the Ld. A.D.J.-VI, vide BA No. 366/2025 on dated 18.07.2025. The petitioner has no any criminal antecedent.

5. On the other hand, Ld. Additional Public Prosecutor opposed the bail and submitted to reject the same.

6. Heard both the sides and perused the material available on record. The FIR has been registered for the offence punishable U/s 191(2), 190, 115(2), 109, 132, 262, 263, 310(6), 121(1), 281, 125(a), 125(b), 324(5), 303(2), 317(2), 317(5), 352, 126(2) of B.N.S. Restatement of the informant has been mentioned in para 2 of the case diary. The statement of other witnesses have been mentioned in para 3, 4 and 14 of the case diary.

7. Perused the record and case diary. On perusal of the case-diary, there is an allegation against the accused petitioner and other co-accused persons that they have assaulted the police personnels who were on duty and while doing the patrolling, police raiding party have found two tractors illegally loaded with sand and during the attempt to raise inquiry by the driver, he has ran away from the tractor. Thereafter, when the police has taken the tractor into

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their custody and were proceeding towards the police station, then the accused persons have interrupted the tractor over which one home-guard was sitting and assaulted him and taken away the tractor illegally loaded with sand from the custody of the police. Also, when this entire incidence has occurred, then commuter were also assaulted by the act of the accused persons named in the FIR. Further, the other co-accused has been granted bail by this Court. Moreover, the petitioner is languishing in Jail custody since 13.05.2026.

8. Under the aforesaid facts and circumstances and mainly considering the custody period of the petitioner, a lenient approach can be taken with respect to the petitioner's prayer of Regular Bail. Accordingly, the Regular Bail Petition of the following, the accused-petitioner, namely, **Nitish Kumar**, is hereby **Allowed**. He is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of learned court below with the condition that, one of the bailor must be family member/close relative.

9. The observation made in the present bail petition order are for purpose of deciding the present petition and do not affect the factual matrix of investigation / trial of the present case, which is separate issue as per law.

10. O/c to send a copy of this order along with Trial Court Record to the concerned Court, at once.

Sd/-
A.S.J.-VI, Jamui
Dated:- 17.06.2026