

In the Court of Addl. Sessions Judge-IX, Nawada

Present- Vikash Jha A.S.J-IX

A.B.P. No.- 405/26

1. Sanjay Yadav S/o Rajkumar Yadav.....Petitioner

V/s

**The State of Bihar Opposite Party
For the petitioner:- Sri Anand Kumar Sinha Ld. Adv.
For the O.P.(State):- Sri Bhola Prasad Singh Ld. A.P.P**

A.B.P No. 427/26

**1. Sudhir Kumar @ Sudhir Yadav S/o Rambalak Yadav
2. Ambu Kumar Yadav @ Abhimanyu Kumar S/o Chandrika Pd. Yadav
3. Pintu Vishwakarma @ Ajit Kumar S/o Om Vishwakarma
4. Ashok Yadav @ Ashok Pd. S/o Late Chatu Yadav..... Petitioners**

The State of Bihar Opposite Party

**For the petitioner:- Sri Vivekanand Ld. Adv.
For the O.P.(State):- Sri Bhola Prasad Singh Ld. A.P.P**

A.B.P No. 615/26

**1. Mantu Kumar S/o Bansh Kumar Mani
2. Rahul Kumar @ Dhiraj Kumar S/o Satyendra Kr. Petitioners**

The State of Bihar Opposite Party

**For the petitioner:- Sri Vivekanand Ld. Adv.
For the O.P.(State):- Sri Bhola Prasad Singh Ld. A.P.P**

A.B.P No. 636/26

1. Niraj Kumar S/o Umesh Yadav Petitioner

The State of Bihar Opposite Party

**For the petitioner:- Sri Vijay Kumar Ld. Adv.
For the O.P.(State):- Sri Bhola Prasad Singh Ld. A.P.P**

A.B.P No. 691/26

1. Satyendra Yadav @ Satyendra Kr. S/o Late Indradev Yadav .. Petitioner

The State of Bihar Opposite Party

**For the petitioner:- Sri Niranjan Kumar Ld. Adv.
For the O.P.(State):- Sri Bhola Prasad Singh Ld. A.P.P**


24/3/26

Court of Addl. Sessions Judge-IX, Nawada
A.B.P No. 405/26, 427/26, 615/26, 636/26 & 691/26

ORDER

24.03.2026

1. A.B.P 405/26 has been filed on behalf of the petitioner **Sanjay Yadav**, A.B.P No. 427/26 has been filed on behalf of petitioners **1. Rambalak Yadav 2. Ambu Kumar Yadav @ Abhimanyu Kumar 3. Pintu Vishwakarma @ Ajit Kumar and 4. Ashok Yadav @ Ashok Pd**, A.B.P No. 615/26 has been filed on behalf of petitioners **Mantu Kumar and 2. Rahul Kumar @ Dhiraj Kumar**, A.B.P 636/26 has been filed on behalf of the petitioner **Niraj Kumar and A.B.P 691/26** has been filed on behalf of the petitioner **Satyendra Yadav @ Satyendra Kumar** they are apprehending their arrest in connection with **Hisua P.S case No. 79/26 u/s 111(3), 111(4), 305(e) of BNS**. Since all the anticipatory bail petitions have arisen out of the same case i.e **Hisua P.S case No. 79/26**, hence all the petitions are taken up for hearing together and disposed of by this common order for the sake of convenience. A copy of all the bail petitions have been supplied to the learned A.P.P.

2. The prosecution story in brief is that on 09.02.2026 at about 3 O'clock a raid was conducted by the Mining Inspector at Shanti Nagar Mohalla, Hisua and it was found that at the site latitude 24.84 and longitude 85.41 about 1300 cft. sand was stored by unknown persons. No person came to claim the ownership of the said sand even after two hours and therefore, it was seized and the present case was registered against the persons named in the F.I.R on the statement of local chaukidar.

3. It has been certified by the petitioners under para 2 of the bail petition that no bail petition is pending for hearing either in this court or before any other superior court.

4. As per para 3 it is certified that in A.B.P no. 405/26 the petitioner do not carry any criminal antecedent in A.B.P no. 427/26 petitioner no. 1 has criminal antecedent which is Narhat P.S 225/25, Hisua P.S 732/24 and Sitamarhi P.s 383/22, petitioner no. 2 has criminal antecedent which is Hisua P.S 732/24, Petitioner no.3 has criminal antecedent which is Hisua P.S 599/24 and petitioner no. 4 has criminal antecedent which is Hisua P.S 404/24, 576/24. A.B.P no. 615/26 the petitioner no.1 has criminal antecedent which is Hisua P.S 459/21 and 599/21, the petitioner no.2 has criminal antecedent which is Hisua P.S 459/21, 203/21 & 54/25. A.B.P no. 636/26 the petitioner has criminal antecedent which is Hisua P.S 599/24 and A.B.P no. 691/26 the petitioner has criminal antecedent which is Sitamarhi P.S 59/25 & Narhat P.S 573/23.

5. The Learned counsel on behalf of the petitioners have submitted more or less the same argument that the petitioners have been named only on the statement of local chaukidar and no independent witness has been brought by the prosecution to support its case. It shows the ulterior motive of the prosecution to falsely implicate the petitioners with the 1300 cft sand which was found at the site of raid. The petitioners have no concern with the seized sand. Therefore, the learned counsels has prayed to grant anticipatory bail to the petitioners.

6. Learned A.P.P appearing on behalf of State vehemently opposed the prayer of anticipatory bail.


24/3/26

Court of Addl. Sessions Judge-IX, Nawada
A.B.P No. 405/26, 427/26, 615/26, 636/26 & 691/26

24.03.2026

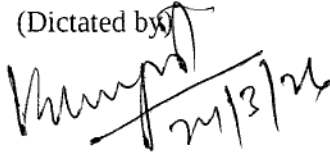
7. Heard both sides and perused the case record. I find that all the witnesses which are members of the raiding team have supported the prosecution case. However, it is apparent from the statement of the witnesses ^{that} they have stated the names of the petitioners on disclosure of the local chaukidar. There is no statement of any independent witness to show that the petitioners were involved in the illegal mining and storage of 1300 cft. sand at the site. The criminal antecedent of the petitioners are mentioned from para 44 to 57 but there is no other materials on record to show that the petitioners were involved in the mining and storage of sand in this case apart from the statement of the chaukidar.

8. Therefore, after hearing both the sides and having considered the discussions made as above, no independent witnesses to support the prosecution case, I am inclined to grant anticipatory bail to the petitioners.

12. Accordingly, the petition filed on behalf of petitioners/accused **1. Sanjay Yadav in A.B.P no. 405/26, 1. Rambalak Yadav 2. Ambu Kumar Yadav @ Abhimanyu Kumar 3. Pintu Vishwakarma @ Ajit Kumar and 4. Ashok Yadav @ Ashok Pd. In A.B.P no. 427/26, Mantu Kumar and 2. Rahul Kumar @ Dhiraj Kumar in A.B.P no. 615/26, Niraj Kumar in A.B.P 636/26 and Satyendra Yadav @ Satyendra Kumar in A.B.P no. 691/26** and it is ordered that in the event of arrest/surrender they are enlarged on bail on furnishing bail bond of Rs. 10,000/- 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) of the BNSS.

Subject to the conditions that:-

- i. One of the bailors shall be close relatives/family members.
- ii. The petitioners shall cooperate with the investigation the case and make themselves available to the police as and when required. Any uncooperative action on their behalf may be a ground for cancellation of bail by the lower Court itself.

(Dictated by)

24/3/26

(Vikash Jha)
A.S.J.- IX, Nawada

Date of Judgment / Order	24.03.26
Date of Reserving Judgment/Order	24.03.26
Uploading Date	25.03.26
uploaded by	Shamukh