

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II

ROHTAS AT SASARAM

A.B.P. NO. 587 OF 2026

(Arising out of **Darigoan** P.S. Case No. 29/2026)

Birendra Singh & Ors.....Petitioners

Vs.

State of Bihar.....O.P.

On behalf of petitioner – Shri Abhay Kumar, Ld. Advocate

On behalf of state - Shri Anil Singh Ld. A.P.P.

Date:- 21.04.2026

ORDER

1. This bail petition has been filed on behalf of the accused petitioners namely (1). **Birendra Singh S/o Shivmuni Singh and (2). Amit Kumar S/o- Sudama Paswan**, who are apprehending their arrest in connection with **Darigoan** P.S. Case No. 29/2026 registered u/s 303(2), 317(5) BNS & 194 MV Act, which is presently pending in the Ld. Court of C.J.M, Sasaram.
2. The Ld. Counsel appearing on behalf of the accused petitioner submitted that petitioners are quite innocent and have committed no offence. Petitioner no. 1 namely Birendra Singh is owner of seized tractor vide its Reg No. BR244246, Reg dated 21.07.25, Engine NO. RSC2EAN2078, vehicle model Mahindra B275DIMKM. Petitioner No. 2 is driver of said vehicle. The petitioner's tractor has been seized illegally by violating the provisions of seizure. Section 303(2), 317(5) B.NS and 194 M.V Act is not applicable against this petitioner. Petitioner No. 1 being owner of tractor has got owner book, Insurance and challan of seized yellow sand; whereas petitioner no. 2 being a driver has got valid driving license. The seized sand has been loaded from Ghat with yellow sand by dumper and the same has been unloaded on Tendua canal bank where the sand has been collected due to non-availability of rasta to petitioner's house. Petitioner has loaded sand on his tractor for using it for his domestic purposes in the meantime on canal raiding party has seized tractor of

Brijendra Kumar Ray
D & A.S.J.-II, Sasaram.

Date: 21.04.2026

petitioner. Allegation and sections levelled in F.I.R is not applicable against these petitioners. Petitioners have no got no criminal antecedent.

3. Per contra, the Ld. Addl. P.P. has vehemently opposed the prayer for bail.
4. Heard and perused the record. From perusal of record, it appears that there is allegation of illegal transportation of Yellow sand by the petitioner's vehicle. Case diary has already been received. It is clear from contents of FIR as well as para 3, 8 and 9 of the case diary that witnesses have roughly supported the fact of case of prosecution as illegal transportation and seizure of the vehicle. Fine amount of Rs 1,10,000/- and Rs 2,550/- has been deposited and copy of receipts have been submitted. There is no serious allegation against these petitioners rather they have been named in the case being owner and driver of the vehicle. It is further clear from para 21 of the case diary that petitioners have got no other criminal antecedent than this case.
5. Considering the facts and circumstances of the case discussed above, particularly the fact that fine amount has already been deposited and there is no serious allegation other than transportation of sand without permit, their prayer for anticipatory bail is hereby **allowed** and accordingly they are directed to be released on bail on furnishing bail bonds of Rs 15,000/- of two sureties of the like amount each on their arrest or surrender before the court concerned within 30 days from the date of this order.

(Dictated & Corrected)

Sd/-

(Brijendra Kumar Ray)
Additional Sessions Judge-II
Rohtas at Sasaram

Date of Judgment/Order	21.04.2026
Date of Reserving Judgment/Order	21.04.2026
Uploading Date	24.04.2026
Uploaded by	Mr. Abhishek Kumar (Steno)