

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4527 of 2025**

Arising Out of PS. Case No.-308 Year-2024 Thana- TRIVENIGANJ District- Supaul

Subhash Yadav @ Shubhash Kumar @ Subhash Kumar Yadav, S/o  
Permashwari Yadav, Resident of village - Sakhua, Police Station -  
Triveniganj, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun, Adv.  
Mr. Thakur Brajesh Singh, Adv.  
For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      18-04-2025                      Heard Mr. Arun, learned counsel for the petitioner  
and Mr. Binod Kumar No. 3, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Triveniganj P.S. Case No. 308 of 2024 dated 04.08.2024 registered for the offences punishable under sections 191(2), 126(2), 115(2), 352, 121(1), 121(2), 132 and 109(1) of the Bharatiya Nyaya Sanhita (in short 'BNS') and sections 4 and 21 of the Mines and Minerals (Regulation of Development) Act and sections 11, 39 and 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019.

3. The main submissions advanced by learned counsel appearing for the petitioner are that the petitioner has



been made accused in the present matter mainly on the basis of disclosure of his identity by the local chawkidar and local villagers, however, if the allegations made in the FIR are taken to be true, even then no specific allegation has been made against him and the co-accused, namely, Amit Kumar and Sumit Kumar are said to be the main accused, who were involved in the illegal mining of sand. It is further submitted that the petitioner has no concern with the seized tractors as well as the premises at where the sand was being stored and in this regard, the petitioner has made specific statement in his petition. It is lastly submitted that though against the petitioner, there are criminal antecedents of three cases but he is on bail in all the said cases and all the officials of Mining Department, who are said to have sustained injuries in the alleged occurrence, sustained simple injuries and in this regard, the order impugned may be perused.

4. Though learned APP for the State has opposed the prayer of the petitioner but fairly accepted that as per the FIR, the main allegation is against co-accused Amit Kumar and Sumit Kumar.

5. Considering the aforesaid submissions advanced by petitioner's counsel and mainly the fact that in the entire FIR,



any specific role of the petitioner in the commission of the alleged crime has not been revealed and he has been made accused mainly on the basis of disclosure of his identity by the local chawkidar and local villagers, in my opinion, it is a fit case to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Triveniganj P.S. Case No. 308 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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