

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7150 of 2025

Arising Out of PS. Case No.-411 Year-2024 Thana- BANKA District- Banka

-
1. Ramsharan Yadav @ Digvijay Choudhary Son of Jagdambi Yadav @ Jagdambi Chaudhary R/o village - Karma , P.S.- Banka , District - Banka
 2. Paro Yadav @ Dhiro Yadav @ Dharmendra Yadav @ Dharmendar Kumar son of Jagdambi Yadav @ Jagdambi Chaudhary R/o village - Karma , P.S.- Banka , District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Mines and Minerals Deptt. Banka bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-02-2025 Heard learned Counsel for the petitioners and learned
Special P.P for the Mines Department.

2. The petitioners are apprehending arrest in connection with Banka P.S. Case No. 411 of 2024 registered on 04.10.2024 for the offences punishable under Sections 191(2), 191(3), 190, 132, 109, 324(4), 121(1), 121(2), 303(2), 317(2) of the B.N.S. 2023 and Section 11/41/56(2) of the Bihar Mineral (Concession, Prevention of Illegal Mining Transportation and Storage) Rules, 2021 and Section 4(1)/21 of Mines and Minerals (Development and Regulation) Act, 1957..

3. As per the prosecution, the present F.I.R. has been



lodged for commuting theft of sand.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and has committed no offence. He further submits the petitioners have deposited the computation fine price, as gets reflected from Annexure -2 to the petition. The antecedents of the petitioners are not clean as they are accused in one another criminal case.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that while it is true that they have deposited the said compound fine, it is also true that the petitioners have not only committed theft of sand but also assaulted a constable, causing grievous injury to him. In addition, they have damaged government vehicle while committing theft of government sand.

6. In the aforesaid facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ? 30000/- (thirty thousand) each as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the C.J.M., Banka, in connection with Banka P.S. Case No. 411 of 2024, subject to the conditions as laid down



under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

7. However, it is directed that the petitioner shall surrender before the Trial Court within a period of four weeks from today. In case the petitioner surrenders within this period, the Trial Court is directed to release the petitioner on bail, subject to its own conditions to ensure that he does not evade appearance. The Court shall inquire with the Departments of Mines regarding the loss caused to the government vehicle and the expenses incurred for the constable's treatment. The amounts for both shall be calculated, and the petitioner shall only be released on bail after payment of these amounts.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

