

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9057 of 2025

Arising Out of PS. Case No.-191 Year-2024 Thana- KOILWAR District- Bhojpur

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Guddu Rai @ Guddu Kumar, S/o Late Ashok Rai @ Bhikari Rai, Resident of
vill- Pachrukhiya, PS- Koilwar, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-03-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Koilwar P.S. Case No. 191 of 2024, registered for the
offences punishable under Sections 379, 411 and 34 of the
Indian Penal Code and Section 56(1) and 56(2) of
BM(CPIMTS) Rules.

3. Allegedly the petitioner is found involved in illegal
mining of the sand. The police on a tip off illegal mining,
conducted raid and seized nine tractors, including the subject
tractor, of which the petitioner is the owner.

4. Learned Advocate appearing on behalf of the
petitioner contended that the narrations made in the FIR clearly



reveals that there is no allegation of illegal mining against the petitioner. The only material available on record suggest that the tractors were seized without any trolley and, as such, the allegation of carrying sand also does not fortify. It is further contended that on account of the past criminal antecedent as has been disclosed in paragraph no. 3, the name of the petitioner has been implicated in the present case with concocted allegation. Taking note of the aforesaid facts, some of the co-accused persons having identical allegation have been accorded the privilege of anticipatory bail by this Court in Criminal Miscellaneous No. 74806 of 2024 and Criminal Miscellaneous No. 80394 of 2024 vide order dated 20.12.2024. It is lastly contended that the petitioner is also ready to deposit a fine of Rs. 25,000/- as has been deposited by other identically situated person.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner bear four criminal antecedent of identical nature and, as such, complicity of the petitioner in illegal mining cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the



petitioner is based on parity, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order with a direction that the petitioner shall deposit a fine of Rs. 25,000/- before the District Mining Officer, Bhojpur at Ara before furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 191 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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