

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11816 of 2025

Arising Out of PS. Case No.-304 Year-2024 Thana- BABUBARHI District- Madhubani

1. Rajkishore Yadav Son of Late Ram Narayan Yadav village- Lalapatti Satghara, ps- Babubarhi, Dist- Madhubani
2. Kamlesh Kumar Yadav son of Ram Jatan Yadav @ Ram Yatan Yadav Resident of Village - Deohar Bhikhana, Ps- Andhara, Thadi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Babubarhi P.S. Case No. 304 of 2024 registered for the offences punishable under Sections 379 of the Indian Penal Code, Section 21 of Mines and Minerals Act and Section 56(2) of Bihar Minerals Rule 2019.

3. The allegation against petitioners is to involve in illegal mining of soil.

4. It is submitted by learned counsel for the



petitioners that the petitioners implicated only being owner of the tractor and driver through which 100 CFT of soil was found carrying. It is submitted that petitioner no. 1 is the owner and petitioner no. 2 is the driver. Learned counsel further submitted that upon enquiry the land in issue was found *raiti* i.e., of private person, who did not come forward to lodge any complaint. It is further submitted that the petitioners not alleged to be involved in any commercial activities, rather the soil in issue was for private use. While concluding argument, it is submitted that petitioners are men of clean antecedent.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual submission and further by taking note of nature of accusation as allegation is of extraction of soil from the *raiti* land for which no complaint was lodged ever by the owner of the said land, accordingly petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released



on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Madhubani /concerned Court, where the case is pending in connection with Babubarhi P.S. Case No. 304 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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