

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13470 of 2025

Arising Out of PS. Case No.-297 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Sanjay Yadav Son of Ramanuj Yadav Resident of Naulakha, Safiabab, Near
Hawai Adda, P.S. - Kasim Bazar, District - Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, Bihar Mines and Minerals, Govt. of Bihar, Patna
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vaidehi Raman Prasad Singh, Advocate
For the Opposite Party/s :	Mr. Tapeswar Sharma, APP
For the Mines Department:	Mr. Naresh Dikshit, Spl. PP Mines
	Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard Learned Counsel for the petitioner, Learned
Special PP for the Mines and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Suryagarha P.S. Case No. 297 of 2024, lodged on 21.10.2024, under Sections 303(2)/317(2) of the B.N.S., under Sections 4/21 of Mines and Minerals (Development and Regulation) Act and under Rule 56(2) of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rules, 2019 in which there is



provision of compounding of land theft as per the chart mentioned in the respective Rules with amendment 2024.

3. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from the content of the FIR itself, it becomes crystal clear that the case has been filed belatedly. Counsel submits that petitioner is the truck owner. He is completely unaware of the fact that what work was going on from his truck. He submits that it is the driver who is responsible not the owner whereas ty of the driver not the owner; whereas counsel for the State, on the other hand, submits that under the Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rules, 2019 as amended in 2024 the truck owner/driver both are equally responsible and they are liable to pay compensation.

4. Learned Counsel for the Mines and Mineral Department submits that the petitioner being a truck owner entitled for payment of Rs.8, 74,125/- only.

5. In the light of the submissions made, let the petitioner, above named, be directed to release on anticipatory bail **upon payment of Rs.8, 74,125/- in the form of demand draft before the Mines and Mineral Department**, in the event



of arrest or surrender before the learned Court below within a period of ten weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Lakhisarai, in connection with Suryagarha P.S. Case No. 297 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

6. It is made clear that the said amount shall be considered to be the compounding amount under the law.

(Dr. Anshuman, J)

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