

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16273 of 2025

Arising Out of PS. Case No.-25 Year-2021 Thana- TETERHAT District- Lakhisarai

Binod Yadav S/O Banaras Yadav R/O Vill.- Basuachak, PO- Mahisona, PS-
Tetarhat, District- Lakhisarai, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. Anand Prakash, Mineral Development Officer, Lakhisarai. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Akash Shankar, Advocate Mrs. Nausheen Fatma, Advocate Ms. Preety Ranjan, Advocate Mr. Dev Aaryan, Advocate
For the Opposite Party/s :		Mr. Jai Narain Thakur, APP
For the Mines	:	Mr. Naresh Dikshi, Advocate Mr. Brij Bihari Tiwari, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
counsel for the mines and learned APP for the State.

2. The petitioner is in custody in connection with
Tetarhat P.S. Case No. 25 of 2021 corresponding to G.R. No.
387 of 2021, for the alleged offence under sections 379, 411 and
34 of Indian Penal Code, 1860, under sections 56 (1), 56 (3) of
Bihar Minerals Concession Prevention of Illegal Mining
Transportation and Storage Rules, 2019, under sections 4 and 21
of The Mines and Minerals (Development and Regulation) Act
and Section 15 of Environment (Protection) Act, 1986.

3. As per the prosecution case, informant, Anand



Prakash Mining Officer, Lakhisarai has alleged that on 12.03.2021, he conducted raid at Basuachak village and during that he noticed that one JCB having Engine No. 4H32011621337, Chesis No. IMOPO9163483 was engaged in illegally excavating soil from Kiul river and after noticing the informant and his team driver of JCB escaped and during verification it was found that soil of dimension of 330ftx10ft has been removed and it has caused revenue loss of Rs. 4,67,380/-.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that petitioner is not named in the FIR and he was not arrested on the spot, name of the petitioner has been transpired only because of the reason that he is the owner of the said JCB. He next submits that mining activity was done by solely person, namely, Pintu Yadav (now deceased) and petitioner has no personal role or involvement in the alleged occurrence. Petitioner is in custody since 20.12.2024 and he has no criminal antecedent as stated in para-3 of the bail petition.

5. However, learned APP for the State vehemently opposes the prayer for bail of the petitioner.

6. On perusal of the FIR, case diary and impugned order dated 30.01.2025, it appears that petitioner is not named in



the FIR and name of the petitioner has been transpired on the basis that he is the owner of the said JCB, considering all facts and circumstances of the case and submission of learned counsel for the petitioner, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Tetarhat P.S. Case No.25 of 2021 corresponding to G.R. No.387 of 2021.

(Ramesh Chand Malviya, J)

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