

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14859 of 2025

Arising Out of PS. Case No.-331 Year-2024 Thana- KAUWAKOL District- Nawada

1. Krishna Prasad Yadav @ Krishna Yadav, Son of Jago Yadav, Resident of Village- Bharam Bag, Dewangarh, D. Garh, Itpakwa, P.S.- Kawakol, District- Nawada
2. Ramesh Kumar @ Bhikhari Mahto Son of Pyare Mahto Resident of Village - Bharam Bag, Dewangarh, D. Garh, Itpakwa, P.S. - Kawakol, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Muskan Singh, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-05-2025 Heard the parties.

2. The petitioner no.1, namely, Krishna Prasad Yadav @ Krishna Yadav, is apprehending his arrest in connection with Kawakol P.S. Case No. 331 of 2024 registered for the offences punishable under Sections 305(e), 317(4) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioner is involved in illegal mining of sand. On the fateful day, the police on a tip off illegal mining, conducted raid, however, noticing the police party, the driver of a tractor dumped the sand and tried to flee away from there. However, later on, tractor was intercepted. In the meanwhile, one woman came there and made obstruction in



discharging the duty. On account of the aforesaid conduct, the Government has also suffered a loss of Rs.60,000/-.

4. Learned Advocate for the petitioner contended that the petitioner has no concern with the alleged tractor, which was seized by the Mining Officer, however, only on account of two criminal antecedent of identical nature, his name has been implicated in this case on suspicion. Save and except the suspicion and disclosure of identity of the petitioner and others by the co-villagers and police, there is no material suggesting the complicity of the petitioner. He further contended that co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail vide order dated 12.02.2025 passed in Cr. Misc. No. 2410 of 2025.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the materials available on record, as also the fact that the petitioner has no concern with the tractor, in question, which was seized by the Mining Officer, let petitioner no.1, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of



a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Kawakol P.S. Case No. 331 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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