

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9008 of 2025

Arising Out of PS. Case No.-683 Year-2024 Thana- FATEHPUR District- Gaya

Mukesh Yadav Son of Sukhdeo Yadav Resident of Village - Chhiri Meyari,
P.S. - Fatehpur, District - Gaya

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Mines Minerals Department, Bihar, Patna through the Mines Inspector,
Gaya Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 14448 of 2025

Arising Out of PS. Case No.-683 Year-2024 Thana- FATEHPUR District- Gaya

Mahendra Yadav Son of Late Kisun Yadav Resident of Village - Rupin, P.S. -
Fatehpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 18151 of 2025

Arising Out of PS. Case No.-683 Year-2024 Thana- FATEHPUR District- Gaya

Pankaj Chaudhary @ Pankaj Kuamr @ Pankaj Kumar son of Anokh
Chaudhary @ Anokha Chaudhary village- Meyari, P.S.- Fatehpur, District-
Gaya

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Mines Minerals Dept. Bihar Through the Mines Inspector, Gaya bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 9008 of 2025)
For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Ahmad Ali
For the Mines Dept. : Mr. Brij Bihari Tiwari, Adv.(In all cases)
(In CRIMINAL MISCELLANEOUS No. 14448 of 2025)



For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Ajay Kumar Jha
(In CRIMINAL MISCELLANEOUS No. 18151 of 2025)
For the Petitioner/s : Mr.Binay Kumar
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 09-05-2025 Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioner and Mr. Brij Bihari Tiwary, learned counsel for the Mines Department.

2. Petitioners seek regular bail in connection with Fatehpur P.S. Case No. 683 of 2024 of 2022 dated 30.10.2024 registered for the offences punishable under sections 303, 111(2) (b), 111(3), 111(4), 111(5), 112(2) of Bharatiya Nyaya Sanhita (BNS) 2023, Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 56 of Bihar Minerals (Concession, Prevention of illegal Mining, Transportation and Storage) Rule (In short BM (CPIMTS) Rule.

3. The main submissions advanced by Mr. Arvind Kumar Singh, learned counsel appearing for the petitioner Mukesh Yadav, are that the instant matter relates to the illegal mining of government's sand and as per the allegation the informant got the information that several persons being the members of an illegal organization were involved in the sand mining and then he proceeded to the place of mining and mainly on the basis of the informations given by the local persons secretly the petitioners



alongwith 30 persons have been made accused with the charge of illegal mining at the government land, so, the prosecution's case is mainly based on the secret information provided by the locals but the names of the said local persons were not disclosed by the mining inspector in his FIR so the entire FIR is completely vague and without revealing the specific role of 30 persons including the petitioners all of them have been made accused. It is further submitted that the petitioners namely, Mukesh Yadav, Mahendra Yadav and Pankaj Chaudhary have been languishing in jail since 10.11.2024, 18.12.2024 and 27.12.2024 respectively.

4. Learned counsel appearing for the petitioner Mahendra Yadav and Pankaj Chaudhary adopted the aforesaid submissions and additionally it is submitted by the petitioner Pankaj Chaudhary's counsel that against him there are criminal antecedent of three cases in which he is on bail and these cases relate to the different nature of offences and he has been languishing in jail since 27.12.2024. Petitioner Mahendra Yadav's counsel additionally submits that the petitioner has been languishing in jail since 18.12.2024 and against him there is criminal antecedent of only one case in which he is on bail. It is lastly submitted by the petitioner Mukesh Yadav's counsel that the petitioner has been languishing in jail since 10.11.2024, though against him there are criminal antecedents of two cases and in both



the said cases, the petitioner is on bail.

5. Learned counsel appearing for the Mining and Mineral department has vehemently opposed the prayer of the petitioners and submitted that on account of the alleged act of the petitioners, a huge loss to the government property has caused.

6. Considering the facts and circumstances of this case as well as aforesaid submissions and mainly the facts that several persons including the petitioners have been made accused without detailing their specific role in the alleged mining and the mining inspector made them accused mainly on the basis of a secret information provided to him by the local persons without disclosing their names, in view of these circumstances as well as considering the custody period of petitioners and completion of investigation against them this court is inclined to grant the relief of bail to all the petitioners. Accordingly, let the petitioners named-above be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in connection with Fatehpur P.S. Case No. 683 of 2024.

(Shailendra Singh, J)

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