

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18283 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- Shahpur P.S. District- Nawada

Saurabh Kumar S/O Late Dinesh Singh R/O VILLAGE- Apsarh, P.S.-
Warisaliganj, DISTRICT- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Government of Bihar, Patna through
the Mines Inspector, Nawada Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the State : Mr. Nawal Kishore Prasad
For Mines Department : Mr. Narest Dixit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 15-05-2025
1. Heard learned Counsel for the petitioner, learned Counsel
for the Mines Department and learned Additional Public
Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out
of Shahpur Police Station Case No. 38 of 2024, disclosing
offences punishable under Section 379 of the Indian Penal
Code, Section 21 of the M.M.D.R. Act, Sections 4/21/22
of the Mining Act, 2019 and Rules 11/34/38/56 of the
Mining Rules, 2019.
 3. The prosecution case, as per the First Information Report
lodged by the Mines inspector, Nawada, is that on spot
verification of M/s Sharda Bricks Industry, it was found



that the said industry had illegally detracted soil in the year 2023-24, without paying any royalty to the Government, due to which, the State has incurred loss of Rs. 4,60,000/- for the Brick Sessions 2022-23 and 2023-24.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He further submits that the petitioner's brick kiln is non-operational from 2022-23 and the bricks are lying there since then. He further submits that the department had lodged a separate case alleging the illegal mining of soil by the petitioner brick kiln and loss of revenue for the year 2022-23, in which the petitioner is on bail.
5. On the other hand, learned Counsel for the Mines Department submits that during the spot verification of the brick kiln of the petitioner, it was found that the brick kiln of the petitioner is still operational and there are more than one lakh prepared bricks and four to five lakhs bricks are in the process of final preparation.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation made in the First Information Report, I am



inclined to grant the petitioner privilege of anticipatory bail, subject to deposit of Rs. 2,30,000/- with the Mining Officer, Nawada.

7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Chief Judicial Magistrate, Nawada, in connection with Shahpur Police Station Case No. 38 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
9. It is made clear that the petitioner shall deposit the amount of Rs. 2,30,000/- with the Mining Officer, Nawada and furnish the receipt showing deposit of Rs. 2,30,000/- at the time of furnishing bail bonds in the learned Court below.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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