

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27866 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- KHAJAULI District- Madhubani

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1. Om Namo Narayan son of Late Ram Lakhan singh vill- Ram chowk , Bhowara, P.S.- Nagar, Dist- Madhubani
 2. Mithilesh Ray Son of Ashok Ray village- Kharaua, Ps- Rahika, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner Mines and minerals Bihar, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Ranjan, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP
For the Mines	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2025 Heard Mr. Abhishek Ranjan, learned counsel for the petitioners, Mr. Anil Prasad Singh, learned Additional Public Prosecutor for the State and Mr. Naresh Dikshit, learned counsel for the Mines Department.

2. The petitioners are apprehending their arrest in connection with Khajauli P.S. Case No. 265 of 2024, F.I.R. dated 19.11.2024 for the offences punishable under Sections 303(2), 317(2) of Bharatiya Nyay Sanhita and Section 21 of the Mines and Minerals (Development and regulation) Act, 1957 and Section 56 (2) of the Bihar Minerals (Confession, Prevention and Illegal Mining, Transportation and Storage) (Amendment Rules 2024).



3. According to prosecution case, the informant during raid of illegal extraction and transportation of Mineral seized one vehicle loaded with stone chips and handed over the same to Khajauli police. It is further alleged that the driver and owner of the seized vehicle have committed theft of minerals. Hence the FIR.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R.

5. Learned counsel for the petitioners submits that the petitioner no.1 is the proprietor of Om Constructions and registered contractor of Rural works department, work division Benipatti and is also owner of the seized vehicle and stone chips and petitioner no.2 is the driver of the said vehicle.

6. Learned counsel for the petitioners submits that petitioner no.1 being a registered contractor of the rural work department and taken the works of repairing and construction of roads by a valid agreement and he has purchased the seized stone chips in question and the same was brought by the



railway racks after paying the price of Railway fare and with valid mining Challan in form D as required under section 23 of the MMDR Act, 1957.

7. Learned counsel for the petitioners submits that the seized stone was purchased by the petitioner no.1 from Dumka (Paakur) after making payment and having a valid challan and the same was carried out through railway to Khajauli Railway Station from Paakur but the stone chips and vehicle of the petitioner no.1 was illegally seized by the authority of Department of Mines despite the fact that the petitioner no.1 was having valid Challan and other required documents.

8. The learned Additional Public Prosecutor and learned counsel for the Mines Department have vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 has not produced the valid papers at the time of seize and apart from that the petitioners have violated Rule 43 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019. The petitioner no.1 has produced some documents which suggest that the petitioner no.1 after paying price of railway fare with valid mining challan purchased stone chips from Dumka and brought to Kahjauli Station by rail but the petitioners have not produced



any valid papers which suggest that the petitioner no.1 vehicle was being used for transportation of Minerals without valid challan and thus these petitioners have violated Rule 43 and Rule 56(1) (2) of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019 and apart from that the petitioners have filed the appeal before the Collector, Madhubani but the same was dismissed vide order dated 04.02.2025 and petitioners have been directed to deposit Rs.8,63,720/-(Rupees Eight Lakh Sixty Three Thousand Seventy Hundred and Twenty) before the District Mining Officer, Madhubani.

9. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and petitioners have produced valid challan which suggest that the petitioner no.1 has purchased the stone chips from Paakur, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhubani in connection with Khajauli P.S. Case No. 265 of 2024, subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure /
Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and
with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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