

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26505 of 2025

Arising Out of PS. Case No.-59 Year-2024 Thana- IMADPUR District- Bhojpur

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1. Bhim Mangal Yadav @ Bhim Mangal Kumar @ Bhimangal Yadav S/o Brijanand Yadav R/o Village- Bihta, P.S.- Imadpur, District- Bhojpur
 2. Dhanjee Pasi @ Dhanjee Ram S/o Manik Chand Ram R/o Village- Bihta, P.S.- Imadpur, District- Bhojpur

... .. Petitioners

Versus

1. The State of Bihar
2. The Inspector, Mines, District Mining Office, Bhojpur

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Bibhakar Tiwary
For the opposite parties	:	Mr.Anand Kishore Choudhary
		Mr.Naresh Dikshit
		Mr. Brij Bihari Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for opposite party no. 2.

2. The petitioners are apprehending their arrest in connection with Imadpur P.S. Case No. 59 of 2024 registered for the offences punishable under Sections 379, 411, 420 of the IPC alongwith Rules 56(1), 56(2) of Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019.

3. As per prosecution case, on 23.06.2024 the informant being Mines Inspector gave his written report to S.H.O., Imadpur police station alleging therein that a raid was



conducted at Bihta Bagicha against illegal mining and transportation of sand and during course of raid, raiding team seized a truck without registration number and a tractor loaded with sand. Driver and other persons fled away. It is further alleged that raiding team reached Rajapur Ghat and also seized four trucks loaded with sand. It is further alleged that Thana Chowkidar and local people disclosed that petitioners and other are involved in illegal storage and loading of sand of Sone river.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. Petitioner no. 1 bears criminal antecedent of three cases and petitioner no. 2 bears criminal antecedent of four cases. Learned counsel orally submits that petitioners are on bail in the earlier cases lodged against them. Petitioners were not found at the place of occurrence. Learned counsel orally submits that petitioners are neither owner nor driver of the seized vehicles. Learned counsel further submits that petitioners are poor labourers and accusation against them is based on suspicion and speculation. The vehicles loaded with sand have been recovered from public place which can be easily accessible to others. No incriminating article has been recovered from the person or possession of the petitioners and on account of



criminal antecedent of the petitioners, they have been roped in the present case without any basis.

5. Learned counsel for opposite party no. 2 and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Imadpur P.S. Case No. 59 of 2024, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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