

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26428 of 2025

Arising Out of PS. Case No.-103 Year-2024 Thana- LAUKAHA District- Madhubani

1. Devendra Yadav @ Devendra Prasad Yadav son of Nand Lal Yadav Resident of Bandarjulhi P.S -Laukaha, Dist- Madhubani
2. Md. Jafir (Tima) Son of Late Md. Jamaluddin Resident of Bandarjulhi P.S -Laukaha, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Dept. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Mines	:	Mr. Naresh Dikshit, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-05-2025 Heard Mr. Mritunjay Kumar Jha, learned counsel for the petitioners, Mr. Anuj Kumar Shrivastava, 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 Laukaha P.S. Case No. 103 of 2024, F.I.R. dated 16.05.2024 for the offences punishable under Sections 379, 353, 504 of Indian Penal Code and 56(2) of Bihar Minerals (Concession Prevention of Illegal Mining Transportation and Storage) Rule, 2019 and Section 4/21 of M.M.D.R. Act, 1957.

3. According to prosecution case, informant got



information regarding illegal mining of white sand near N-27 bridge on the basis of which a raid was conducted and some persons were seeing doing illegal mining with 5-7 tractors, however the drivers fled away, leaving behind one tractor. Raiding team tried to take the tractor but they were stopped by 40-50 local peoples.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. From bare perusal of the FIR it transpires that the present FIR was instituted by the informant on the basis of information furnished by local chowkidar and except the aforesaid no other material is on record which suggest the involvement of the petitioners in the present occurrence and petitioners have no concern at all either with the alleged recovery of the sand or the tractor in question and similarly situated co-accused persons namely, Md. Habib @ Md. Habiba, Md. Gulden @ Gulden Mansuri, Md. Guljar @ Gulijar @ Guzar have been granted the privilege of anticipatory bail by this court vide order dated 05.10.2024 passed in Cr. Misc No. 65566 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and



submit that petitioner no.1 has got one criminal antecedent in which he is on bail and petitioner no.2 has clean antecedent.

6. Considering the aforesaid facts and circumstances, the name of the petitioners transpired on the basis of disclosure made by local chowkidar, 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 S.D.J.M., Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No. 103 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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