

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32766 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- MOHANPUR District- Samastipur

Lallan Ram @ Lallan Ray son of Bakhari Rai, R/o Village- Dumri, PS-
Mohanpur O.P., District - Samastipur.

... .. Petitioner

Versus

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

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Shashank Shekhar, Advocate
For the Mines Deptt.	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwari, Advocate
		Ms. Sruti Singh, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner, learned
counsel for the Mines Department and learned A.P.P. for the
State.

2. The petitioner seeks bail, apprehending his
arrest, in connection with Mohanpur P.S. Case No. 05 of 2025,
dated 16.01.2025, registered for the offences punishable under
Sections 303(2) and 317(2) of the B.N.S., 2023 and under
Section 56(2) of the Bihar Minerals (Concession, Prevention of
Illegal Mining, Transportation & Storage) Rule Amendment
Act, 2019.

3. As per allegation, when the informant Police
officer along with Police personnel reached the place of



occurrence, they saw that three persons after seeing them, started fleeing away on motorcycle leaving behind JCB and tractor loader, but they were apprehended with the help of Police force, and hence, the FIR was lodged against three persons who were apprehended there along with the owner and drivers of JCB machine, the tractor loader as well as the owner of the motorcycle, besides the owner of three mobiles which were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the allegation, no offence is made out. At most, the alleged facts and circumstances constitute a preparation for committing offence of illegal mining. The informant has not said that he found the accused persons mining there and after seeing the Police, they fled away. As per the FIR, only allegation is that when they reached the place where the accused persons were apprehended, they started fleeing away after seeing them. It is not alleged that they were mining and after seeing the Police, they started fleeing away. He further submits that preparation of any offence except dacoity is not punishable, hence no offence is made out.

5. It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved before this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned A.P.P. for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances and the fact that there is no allegation in the FIR that the Police found the accused persons illegally mining the sand, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with **Mohanpur P.S. Case No. 05 of 2025**, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the Court below that the petitioner has any criminal antecedents, learned



Court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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