

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33243 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- GOVINDGANJ District- East Champaran

Jayram Yadav S/O Kanhaiya Yadav R/O Village- Bhushaha Bariyariya, P.S.- Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Inspector, East Champaran. Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33275 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- GOVINDGANJ District- East Champaran

Sujit Kumar @ Sujit Kumar Shah S/O Sanjay Sah R/O Village- Chandi Ashthan, P.S- Govindganj, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines and Minerals (Development and regulation) Patna Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33243 of 2025)

For the Petitioner/s : Mr. Rajesh Ranjan

For the Opposite Party/s : Mr. Anil Kumar

(In CRIMINAL MISCELLANEOUS No. 33275 of 2025)

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Renuka Ratnakar (APP 125)

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 26-05-2025 Both applications have arisen out of same incident and police station case; therefore, they are being heard together and being disposed of by the common order.



2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 303(2), 317(2), 3(5) of Bharatiya Nyaya Sanhita, 2023, Section 56 of Bihar Minerals CPTS Rules 2019 (Amendment 2024) and Section 21 of Mines and Minerals (Development and Regulation) Act, 1957.

4. As per the allegations made in the FIR, acting upon secret information regarding illegal mining of white sand from the Gandak River, the informant, a police official, conducted a raid at the alleged site. During the course of the raid, one JCB machine and one Ashok Leyland Hyva truck were seized from the spot. It is alleged that Jayram Yadav (petitioner in Cr. Misc. No. 33243 of 2025) was the driver of the said Hyva truck, while Sujit Kumar @ Sujit Kumar Shah (petitioner in Cr. Misc. No. 33275 of 2025) was operating the JCB



machine. Upon demand, they failed to produce any valid documents pertaining to the use or transportation of the seized vehicles or the mining activity.

5. It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have falsely been implicated in the present case. It is further submitted that Jayram Yadav (petitioner in Cr. Misc. No. 33243 of 2025) was the driver of the said Hyva truck and was acting on the instruction of its owner namely Rajkishore Singh and Sujit Kumar @ Sujit Kumar Shah (petitioner in Cr. Misc. No. 33275 of 2025) is only driver of the JCB and they have no concern with the illegal mining of sand. From perusal of documents contained in annexure P/2 and P/3 series, it is evident that the sand was extracted under a valid permission and the petitioners have merely loaded it upon the information provided by one Chandan Kumar Vatsa. Moreover, the petitioners are languishing in judicial custody since 16.02.2025. After completion of investigation, charge-



sheet has been submitted in this case as per the submission made by learned counsel for the petitioners. A statement has been made in para 3 of the petitions that petitioners have no criminal antecedent.

6. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

7. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail, after framing of charge. The above named petitioners are directed to be enlarged on bail in connection with Govindganj P.S. Case No. 44 of 2025 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, East Champaran, Motihari, with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be present on each and every



fixed date and on his absence, on two consecutive dates, without sufficient reason, his bail bonds may be cancelled by the learned trial Court.

(ii) One of the bailors should be close relative or family member of the petitioners.

(S. B. Pd. Singh, J)

Nirajkrs/-

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