

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43598 of 2025

Arising Out of PS. Case No.-121 Year-2025 Thana- MUFFASIL District- Aurangabad

1. Binod Singh @ Yashwant Singh S/O Shri Yamuna Singh R/O Village-Raypura, P.S- Aurangabad (M), Distt.- Aurangabad.
2. Shamsher Singh S/O Late Bindeshwar Singh R/O Village- Raypura, P.S- Aurangabad (M), Distt.- Aurangabad.
3. Shubham Singh @ Shubham Kumar S/O Shri Awadhesh Singh R/O Village-Raypura, P.S- Aurangabad (M), Distt.- Aurangabad.
4. Surya Singh @ Suraj Kumar Singh S/O Late Surith Singh R/O Village-Raypura, P.S- Aurangabad (M), Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajeev Kumar Singh
For the Opposite Party/s :	Mr.Jharkhandi Upadhyay
	Mr. Naresh Dikshit, Adv
	Ms. Shruti Singh, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 303(2), 317(2) and 3(5) of the Bharatiya Nyaya Sanhita and Section 41(1)(A)/21 Mines and Minerals (Regulation of Development) Act 1957 and Section 11, 18 and 39 of Bihar Minerals (Prevention of illegal mining, Transportation and Storage) Rules 2003 and Section 56 of Bihar Minor Minerals (Permission Transportation and Storage) Rules, 2021.



3. Learned counsel for the petitioners submits that initially when the FIR was instituted, the same was instituted with respect to the offences which carries punishment of seven years or less, but then police during the course of investigation added Section 111 BNS, which relates to organized crime. It is next submitted that no doubt Section 111 BNS has been added during the course of investigation, but then petitioner No. 1 is a person with clean antecedent, petitioner No. 2 and 3 have antecedent of one case and petitioner No. 4 has antecedent of two cases. It is further submitted that as far as petitioner Nos. 1, 2 and 3 are concerned, Section 111 BNS is not attracted against them as explanation (ii) to Section 111 BNS incorporates - *“(ii) "continuing unlawful activity" means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three years or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence.”*

4. As such, it is submitted that with respect to



petitioner Nos. 1, 2 and 3, it can be safely construed that charge sheet in two cases have not been submitted. It is further submitted that as far as petitioner No. 4 is concerned, he carries antecedent of two cases, as such the learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 4.

5. Permission is accorded.

6. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 4.

7. As far as petitioner Nos. 1, 2 and 3 are concerned, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Aurangabad (M) P.S. Case No. 121 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

Sumit/-

U		T	
---	--	---	--

