

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38110 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- RISIYAP District- Aurangabad

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1. Pintu Raj S/O Late Rajendra Singh Resident of Village -Raypura P.S- Muffasil District- Aurangabad
 2. Barun Singh @ Barun Kumar S/o Late Rajendra Singh Resident of Village -Raypura P.S- Muffasil District- Aurangabad
 3. Kaushal Singh @ Kaushal Kumar S/o Late Rajendra Singh Resident of Village -Raypura P.S- Muffasil District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar state Mining Corporation, Bihar, Patna Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Santosh Kumar Pandey
For the Opposite Party/s :	Mr.Yogendra Kumar
	Mr. Naresh Dikshit, Adv
	Ms. Shruti Singh, Adv
	Mr. Ranjeet Kumar Pandey, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 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) of the Bharatiya Nyaya Sanhita and Section 41(1)(A)/21 MMDR Act 1957 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, on which the learned counsel appearing on behalf of the Department of Mines submits that Section 111 BNS relates to organized crime and petitioner No. 1 has antecedent of four cases, petitioner No. 2 has antecedent of one case, and petitioner No. 3 has antecedent of three cases, on which the learned counsel appearing on behalf of the petitioners submits that 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. The learned counsel for the petitioners, thus, submits that anticipatory bail with respect to petitioner Nos. 1 and 3 be permitted to be withdrawn and as far as petitioner No.



2 is concerned, it is submitted that against him there is only one case and till date, charge sheet has not been submitted.

5. In view of the submission made by the learned counsel appearing on behalf of the petitioners, the anticipatory bail application with respect to petitioner No. 1 and 3 is permitted to be withdrawn.

6. As far as petitioner No. 2 two is concerned, the petitioner No. 2 above-named, in the event of his 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) 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 Rishiap P.S. Case No. 40 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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