

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39858 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Pawan Kumar @ Pawan Chauhan @ Kailash Kumar S/O Lalan Chauhan R/O Vill.- Lohda, P.s.- Mufassil, Dist.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40261 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Jitendear Kumar @ Jitendra Chauhan S/O Harkhu Chauhan @ Harkan Chauhan R/O Village- Lohra, P.S.- Muffasil, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mining Department, Nawada, Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40567 of 2025

Arising Out of PS. Case No.-129 Year-2025 Thana- NAWADA MUFFASIL District- Nawada

Amit Chauhan @ Amit @ Amit Kumar S/o Naresh Chauhan Resident of vill- Lohra, P.S- Muffasil, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 39858 of 2025)
For the Petitioner/s : Mr.Lovekush Kumar
For the State : Mr. Akshay Lal Pandit
For Mines Department : Mr. Naresh Dixit
(In CRIMINAL MISCELLANEOUS No. 40261 of 2025)
For the Petitioner/s : Mr.Anil Kumar Sinha
For the State : Mr.Chandra Bhushan Prasad
For Mines Department : Mr. Naresh Dixit
(In CRIMINAL MISCELLANEOUS No. 40567 of 2025)



For the Petitioner/s : Mr.Madhusudan Kumar
For the State : Mr.Mohammed Arif
For Mines Department : Mr. Naresh Dixit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7 17-12-2025
1. Since all these three applications arise out of Muffasil Police station Case No 129 of 2025, with the consent of the parties, all these applications are heard together.
 2. Heard learned Counsel for the petitioners, learned counsel for the Mines Department and learned Additional Public Prosecutor for the State.
 3. These applications, for grant of anticipatory bail, arise out of Muffasil Police Station Case No. 129 of 2025, dated 01.04.2025, disclosing offences punishable under Sections 303(2)/317(2)/111(3) of the Bhartiya Nyaya Sanhita, 2023.
 4. The prosecution case, as per the First Information Report lodged by the Mines Inspector, Nawada, is that the informant raided near Khuri river and found illegal mining of sand to the tune of 40,000 CFT. On enquiry, the villagers, without disclosing their names, told the informant that the petitioners, along with others, are indulged in the illegal mining, transportation and business of sand. Due to the illegal mining done by the petitioners and others, the department has imposed penalty of Rs.



21,50,000/-, which is recoverable by the petitioners and other accused persons.

5. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics. He further submits that the names of the petitioners transpired in this case on the disclosure made by the villagers. He further submits that no one has seen the petitioners extracting or transporting the sand from the place of occurrence. Nothing has been recovered from the premises of the petitioners, which could show the involvement of the petitioners in the alleged illegal mining of sand. He further submits that the petitioners have no criminal antecedent of similar nature of offence.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioners have no criminal antecedent of similar nature of offence, they have been made accused in this case on the basis of disclosure of their names by the villagers and no incriminating material has been recovered from the possession of the petitioners, I am inclined to grant the petitioners privilege of anticipatory



bail.

- 7. These applications are, accordingly, allowed.
- 8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Nawada, in connection with Muffasil Police Station Case No. 129 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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