

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43219 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- NARDIGANJ District- Nawada

Bholi Yadav @ Pramod Kumar Son of Late Jagdish Yadav @ Jagdish Prasad
VILLAGE-DOHRA, P.S.-NARDIGANJ, DISTRICT-NAWADA

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals Govt. of Bihar, Patna Through the
Mines Inspector, Nawada bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-10-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Nardiganj P.S. Case No. 37 of 2025, dated 28.01.2025,
registered under Sections 324(2), 324(3), 121(1), 125, 3(5),
303(2), 317(2) of the B.N.S.

3. The prosecution case, in brief, is that on 28.01.2025
the informant is said to have received information that the
patrolling party of Narkdinganj police station had found one
Sonalika Tractor having Chasis No.-EYASG759732S3 and
Engine No.- 3100FLU83G751036F18, engaged in illegal
mining and seeing the patrolling party the driver after unloading
the sand tried to run away, but it was seized. While the tractor



and tailor was being brought to Nardinganj police station, some persons from Dohra started opposing the same and started pelting stones. In the meanwhile one person came on Glamour Motorcycle bearing registration no.- BR27L-5131 and by means of Belcha damaged the rear glass of the police vehicle and police has also videographed the entire incident. Local Chowkidar disclosed the name of accused persons.

4. It is submitted by the learned counsel for the petitioner that from perusal of the F.I.R., it would be evident that informant is not eye witness to the occurrence, who is said to have provided information regarding the present occurrence as per the written report. Tractor with empty trailer was parked on road in front of the house of the petitioner and while the Police party was passing from there, they asked to remove the tractor and trailer from there, failure to do so, the said tractor and trailer were seized by the Police party. Even assuming that this tractor was anyway involved in the commission of crime, but there is nothing on record to suggest that this tractor and trailer, which was parked in front of the petitioner's house and was in any way involved in commission of any crime or were being used for mining purposes at any point of time.

5. At this stage, learned counsel for the Mining Department though opposes the anticipatory bail of this petitioner



making submission to the effect that the family member of this petitioner, who is the owner of the tractor, had tried to forcibly take away the tractor which was under seizure.

6. Considering the submission that the petitioner was nowhere involved in the said commission of crime, the tractor which was seized by the Police party was not involved in any manner for the mining purposes, though the informant had submitted an application for registration of this case under Rules 11, 43 and 56 of the **Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019** as amended Rule, 2024 along with other Sections of B.N.S., but the case has not been registered under the **Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019** except under the relevant Section of B.N.S.

7. And as such no provision of **Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019** would get attracted.

8. Regarding being had to the above consideration, let the above named petitioner, be released on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each, to the satisfaction of the learned A.C.J.M.-II, Nawada in connection with Nardiganj P.S. Case No. 37 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner (s) who shall provide official document to show his/her bona fide;

(ii) the petitioner (s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner (s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner (s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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