

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42302 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- THALI District- Nawada

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1. Mithlesh Prasad Yadav son of Baldev Prasad Yadav, village- Samaydih, Ward No.-5,P.S. -Satgawan, Dist- Koderma
 2. Lokesh Kumar Yadav son of Naresh Prasad Yadav, Village - Koni, P.S. - Giridih, Dist- Giridih, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Government of Bihar, Patna through the Mines Inspector Nawada.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 44292 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- THALI District- Nawada

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1. Santosh Yadav Son of Raju Yadav, village- Parho Sijua, P.S. - Domchanch, District - Koderma, Jharkhand.
 2. Pintu Yadav Son of Rajkumar Yadav, village- Sarkaritand, P.S. - Domchanch, District-Koderma, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Government of Bihar, Patna through the Mines Inspector Nawada

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45626 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- THALI District- Nawada

Santosh Yadav @ Pappu Yadav S/o- Kailash Yadav, Village- Bahadurpur, Near Hanuman Mandir, P.S. Domchanch, District-Koderma, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Minerals, Government of Bihar, Patna through the Mines Inspector, Nawada.

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 42302 of 2025)

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

For the Mines : Mr. Naresh Dikshit, Adv.

(In CRIMINAL MISCELLANEOUS No. 44292 of 2025)

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 45626 of 2025)

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2025 Since all these matters have arisen from the same P.S. case, with consent of the parties, they are being heard together and disposed off by a common order.

2. The petitioners, who happen to be owners and drivers of their respective truck in question, are apprehending their arrest in connection with Thali P.S. Case No. 73 of 2025 registered for the offences punishable under Sections 303(2), 317(2), 3(5) of the BNS, 2023, Sections 21 MM (D&R) Act, 1957 and Section 15 of Environment Protection Act, 1986.

3. On the fateful day on 20.03.2025, based upon a tip-off illegal mining, a raid was conducted by the Mining Officer and three trucks bearing registration nos. JH12K-2198, JH12G-5497 and JH12G-5437, carrying overloaded uncovered stone chips were seized. On demand, the truck owners/drivers failed to produce valid challan and after verification it has been found because of their conduct a loss of Rs.26,43,739/- has been



caused to the Government exchequer.

4. Learned Advocate for the petitioners contended that admittedly the petitioners are the *bonafide* truck owners/drivers and despite having shown valid challan, the Officers of the Mining Department have instituted the present FIR. It has further been submitted that no independent witnesses have supported the prosecution case and the entire case is based on conjectures and surmises. Even during the course of investigation, no cogent material has come, suggesting complicity of the petitioners in the crime. However, in order to show their *bonafide*, the truck owners/drivers, who are the petitioners in all the three cases, having no criminal antecedent, are ready to deposit an amount of Rs.1,50,000/- against each of the truck in the office of the Mines & Minerals Development Officer, Nawada within four weeks.

5. On the other hand, learned Advocate for O.P. No.2 vehemently opposed the bail application and submitted that because of the conduct of the petitioners, a huge loss has been caused to the public coffer.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the stand of the petitioners, who bear no criminal antecedent, let



the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in connection with Thali P.S. Case No. 73 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further following conditions:-

(i) One of the bailors shall be the own/close family members of the petitioners.

(ii) The petitioners shall deposit Rs.1,50,000/- against each of the truck in question in the office of the Mines & Minerals Development Officer, Nawada.

(iii) The petitioners shall also produce the receipt of the deposit amount before the court below at the time of furnishing their bail bond(s).

(Harish Kumar, J)

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