

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48347 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- HALSI District- Lakhisarai

Vikash Kumar Singh @ Vikash Kumar, Maa Bhavani Traders Pro, S/o Late
Brijkishor Singh R/o Village- Aami, PS- Dighwara, Distt- Saran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mining Inspector, Lakhisarai Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
		Mr. Sujit Kumar, Advocate
For the State	:	Mr. Md. Matloob Rab, APP
For O.P. No. 2	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Yogesh Chandra Verma, learned Senior

counsel for the petitioner, Mr. Naresh Dikshit, learned counsel

for Mines Department and Md. Matloob Rab, learned Additional

Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to

make necessary correction in the array of the party in the course

of the day.

3. The petitioner is apprehending his arrest in

connection with Halsi P.S. Case No. 277 of 2024, F.I.R. dated

12.09.2024 for the offences punishable under Sections 303(2),

317(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 11, 41,

39, 43, 56(2) of Bihar Mineral (Prevention of Illegal Mining,



Transportation and Storage) Rules, 2019.

4. According to prosecution case, a Tractor loaded with sand was intercepted during a raid conducted by the Inspector of the Mines Department and after seeing this all the persons fled away leaving behind the Tractor. When the challan related to the sand loaded on the Tractor was checked from the departmental portal, the challan timing was 10:43 A.M., but the said Tractor was caught at 10.15 A.M., which shows that the challan is fake.

5. Learned Senior counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of the challan which was issued in the name of Maa Bhawani Traders and unfortunately the petitioner is proprietor of Maa Bhawani Traders and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

6. The learned counsel for the Mines Department as well as learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the



fake challan was issued in favour of the petitioner's company, which suggests that the petitioner is only beneficiary of the transaction. Apart from that, petition carries three more criminal antecedents of similar nature other than the present one, but fairly submits on the basis of paragraph 3 of the bail petition that he is on bail in the pending matters.

7. Considering the aforesaid facts and circumstances, petition is not named in the FIR and his name has been transpired during investigation on the basis of the fake challan which was issued in the name of firm of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Lakhisarai in connection with Halsi P.S. Case No. 277 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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