

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47677 of 2025

Arising Out of PS. Case No.-563 Year-2024 Thana- RAJAOLI District- Nawada

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1. Shamim Miyan @ Md. Shamim S/o- Jakir Miyan @ Jakir Hussain Village- Baratad Ps- Rajauli Dist- Nawada
 2. Estiyak Miya @ Ishtiyak Mian @ Md. Ishtiyak @ Aftab Alam S/o- Mumtaj Miya Village- Baratad Ps- Rajauli Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 22-08-2025 Heard learned counsel for the petitioners as well as the
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Rajauli P.S. Case No. 563 of 2024, registered for the offences punishable under Sections 303(2), 105, 111 of the BNS, 2023 and Section 3/4/5 of the Explosive Substance Act, 1884.

3. According to the FIR, all the FIR named accused persons are alleged to have done illegal mining of mica by exploding rocks. One person amongst them, namely, Basudeo Bhuiyan suffered injuries due to blast and succumbed to death.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioners



were not arrested on the spot and nothing has been recovered from their conscious possession. He further submits that petitioner no. 1 has clean antecedent.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no. 2 has one criminal antecedent.

6. Considering the above-mentioned facts and circumstances and clean antecedent of the petitioner no. 1, **let the petitioner no. 1**, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Nawada in connection with Rajauli P.S. Case No. 563 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C/ 482(2) of the BNSS, 2023.

7. So far as petitioner no. 2 is concerned, he has one criminal antecedent, as such, I am not inclined to grant privilege of anticipatory bail to him. Accordingly, the prayer for anticipatory bail on behalf of petitioner no. 2 is hereby **rejected**.

(Nawneet Kumar Pandey, J)

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