

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52074 of 2025

Arising Out of PS. Case No.-535 Year-2024 Thana- AMARPUR District- Banka

Santosh Mahto @ Motilal S/O Grosh Mahto @ Girish Mahto Resident Of
Village- Kamalpur, Ps- Sajour, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Mines and Minerals Dept., Govt. of Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pankaj Kumar, Advocate
For the Opposite Party/s :	Mr. Shahabuddin Azeem @ S. Azeem, APP
For the Mining Department:	Mr. Naresh Dikshit, Sr. Advocate
	Ms. Kalpana, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard Learned Counsel for the petitioner, Learned
Counsel for the Mines and Minerals Department and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Amarpur P.S. Case No. 535 of 2024, lodged on 09.08.2024, under Sections 191(2)/191(3)/ 190 /126(2) / 115(2)/109(1)/132/303(2)/317(2)/352 of the Bhartiya Nyay



Sanhita, 2023, under Section 27 of the Arms Act, under Sections 11/41/56(2) of the Bihar Minerals Concession Prevention of Illegal Mining, Transportation and storage Rules, 2019 and under Sections 4(i) and 21 of the Mines and Minerals Development and Regulation Act, 1957.

3. As per the prosecution, allegation of sand theft is alleged against 22 named accused persons including the present petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner is the owner of the tractor. He submits that loss amount has already been deposited. He submits that anticipatory bail may be granted and in future such mistake shall not take place.

5. Learned Counsel for the Mines Department, on the other hand, vehemently opposes the prayer for anticipatory bail and submits that the petitioner is a habitual wrong doer as there are seven criminal cases pending against him. He is the owner of the tractor. He submits that about the payment not a chit of paper has been annexed.

6. Considering the fact that petitioner is the habitual offender and time and again same offence has been committed



by him, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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