

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52973 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- RAHIKA District- Madhubani

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Ramagya Sah Son of Lal Babu Sah R/O Village- Pachtakiyadu, P.S.-
Barganiya, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mining Department of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ravi Prakash, Advocate
For the Opposite Party/s :	Mr. Surendra Prasad Singh, A.P.P.
For the O.P. No. 2 :	Mr. Naresh Dixit, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-11-2025 Heard learned counsel for the petitioner, O.P. No. 2
and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 303(2), 317(2), 317(4) and 3(5) of the Bharatiya Nyaya Sanhita, Rule 56(2) of the Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation & Storage) Rule, Section 21 of the Mines and Minerals (Development and Regulation) Act and Section 15 of the Environmental Protection Act.

3. As per prosecution case, on 03.04.2025, illegal mining of soil was observed at the Thakurwadi land in Barki Pipar ke Bahiyar, Isara village and one Mohammad Khatib @ Gulab was found illegally mining soil using one JCB and eight



tractors. The illegally mined soil was being used for commercial purposes and sold to brick kiln owners and other individuals. One JCB and eight tractors used in the illegal mining were seized. The total recoverable amount from the vehicle owners and illegal miners is Rs. 90, 28,880/-.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner has been made accused in this case merely because he is owner of one of the seized tractors. He further submits that tractor of the petitioner was not involved in the said offence rather the same was only parked near the spot. F.I.R. has been lodged after inordinate delay of more than one month which itself raises doubt over veracity of the prosecution case. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by this Court *vide* order dated 15.10.2025 passed in Cr. Misc. No. 55437 of 2025 and Cr. Misc. No. 55689 of 2025. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State as well as learned counsel for O.P. No. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case and clean antecedent, this anticipatory bail is allowed and it is ordered that let the above named petitioner in



the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Madhubani in connection with Rahika P. S. Case No. 78 of 2025, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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