

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55437 of 2025

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

Bishundev Yadav S/O Jamadar Yadav Resident of Village- Bhoj Pandaul,
P.S.- Rahika, Dist.- Madhubani, Bihar- 847211

... .. Petitioner

Versus

1. The State of Bihar.
2. The Mines Inspector, District Mines Office P.S.- Town, Dist.- Madhubani

... .. Opposite Parties

with

CRIMINAL MISCELLANEOUS No. 55689 of 2025

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

1. Sachin Kumar Chaudhary S/O Shatrudhan Chaudhary Resident of Village-
Dumari, P.S.- Rahika, Dist.- Madhubani
2. Kamlesh Yadav S/O Prem Yadav Resident of Village- Malangia, P.S.-
Rahika, Dist.- Madhubani
3. Ramesh Kumar Yadav S/O Matwar Yadav Resident of Village- Jagat, P.S.-
Rahika, Dist.- Madhubani

... .. Petitioners

Versus

1. The State of Bihar.
2. The Mines Inspector, District Mines Office P.S.- Town, Dist.- Madhubani.

... .. Opposite Parties

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55437 of 2025)

For the Petitioner/s : Mr. Sumit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 55689 of 2025)

For the Petitioner/s : Mr. Sumit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-10-2025 Both the criminal miscellaneous petitions have

arisen out of the same police station case number, hence they are

being heard together and decided by a common order.



2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 303(2), 317(2), 317(4) and 3(5) of the B.N.S., 2023, under Rule 56(2) of the Bihar Mineral (Concession, Prevention of Illegal Mining, Transportation & Storage) Rule, under Section 21 of the M.M. (D.R.) Act, 1957 and under Section 15 of the Environmental Protection Act, 1986.

4. 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/-.

Cr. Misc. No. 55437 of 2025:

5. Learned counsel for the petitioner submits that petitioner is owner of one of the vehicle which was seized in the illegal mining of soil. He further submits that tractor in question



was not involved in the illegal mining and no illegally mined soil was loaded in the said tractor. The tractor of the petitioner just happened to be parked near the spot. He further submits that similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court *vide* order dated 09.09.2025 passed in Cr. Misc. No. 58562 of 2025. He lastly submits that petitioner carries one criminal antecedent in which he is on bail.

Cr. Misc. No. 55689 of 2025:

6. Learned counsel for the petitioners submits that petitioners are the owners of one of the tractors which were seized in illegal mining of soil. He further submits that the tractors in question were not involved in the illegal mining and no illegally mined soil was loaded in the said tractors. The tractors of petitioners just happened to be parked near the spot. He further submits that similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court *vide* order dated 09.09.2025 passed in Cr. Misc. No. 58562 of 2025. He lastly submits that petitioner nos. 1 and 2 have clean antecedent while petitioner no. 3 carries one criminal antecedent in which he is on bail.

7. Learned APP for the State has opposed the



prayer for anticipatory bail.

8. Considering the aforesaid facts and circumstances, let the petitioners, above-named, in the event of their arrest / surrender before the learned trial Court within a period of eight weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st , Madhubani in connection with **Rahika P.S. Case No. 78 of 2025**, subject to the condition as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the B.N.S.S., 2023.

(Prabhat Kumar Singh, J)

Shahnawaz/-

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