

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55548 of 2025**

Arising Out of PS. Case No.-456 Year-2024 Thana- DIDARGANJ District- Patna

Satish Kumar S/O Sakaldev Singh R/O Village- Gyanchak (Hiranandpur),  
P.S.- Didarganj, Distt.- Patna

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. Bihar State Mining Corporation ltd. Patna

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Jitendra Narayan Sinha, Adv.  
Ms. Khushi Awadh, Adv.  
For the State : Mr. Sanjay Kumar Tiwary, APP  
For the Mines : Mr. Naresh Dikshit, Adv.  
Mr. Brij Bihari Tiwary, Adv.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      12-11-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Didarganj P.S. Case No. 456 of 2024 registered for the offences punishable under Sections 303(2), 3(5), 132, 109 of BNS, Section 27 of the Arms Act, Section 4 of Bihar Mineral (Concession & Prevention of Illegal Mining, Transport and Storage) Rules, 2019 and Section 40 of Bihar Minor



Mineral Concession Rules, 1972.

3. As per prosecution case, informant along with other police officials proceeded for raid and in that course informant received information that Satish Kumar (petitioner), Rohit Kumar, Lalu Kumar along with others are loading illegally mined soil on a tractor in Hiranandpur village, beside Punpun River. On the said information, informant and other police officials reached there. Thereafter, accused persons started fleeing away with the tractor but they were chased by the police team. It is alleged that one tractor as well as one motorcycle was seized from the place of occurrence. It is further alleged that co-accused Rohit Kumar fired from pistol upon the informant and other police officials. One empty cartridge is also recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that there is no specific allegation of firing against the petitioner rather the allegation of firing is against co-accused Rohit Kumar. Learned counsel orally submits that Bihar Mineral (Concession & Prevention of Illegal Mining, Transport and



Storage) Rules, 2019 and Bihar Minor Mineral Concession Rules, 1972 are special law and where there is special law, general law is not applicable. He further submits that in the present matter, FIR cannot be lodged and only complaint case can be filed. From perusal of the FIR itself, it is clear that alleged occurrence took place on 23.12.2024 at about 23:40 PM and FIR was lodged on 24.12.2024 at about 01:20 AM but the same was sent to the court on 02.01.2025 which indicates the casual approach or afterthought plan and questions the authenticity of the prosecution story. He further submits that petitioner has no concern with the seized motorcycle or with the seized tractor or with the alleged recovered cartridge. No incriminating article has been recovered from possession of the petitioner. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State and learned counsel appearing for Mines and Minerals opposed the prayer for anticipatory bail of the petitioner and submitted that there is allegation of loading illegally mined soil and one tractor, one motorcycle and one empty cartridge were recovered from the place of occurrence. They further submitted that petitioner is



named in the FIR and he cannot escape from the allegation made in the prosecution story.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, there is no specific allegation of firing against the petitioner, petitioner has no concern either with the seized tractor or with the motorcycle or alleged empty cartridge, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Didarganj P.S. Case No. 456 of 2024, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation,



in that event, the learned trial court shall be at liberty to cancel  
the bail bonds of the petitioner.

**(Alok Kumar Pandey, J)**

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