

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56928 of 2025

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

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Anique Badar Shabbu S/o- Abdul Hannan @ Abdul Hannan Saifi Resident of
Village- Ijra, P.S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Ashwini Kumar S/o- Prabhuvan Prasad R/o- Khanan Nirikshan Jila Khanan
Karyalay Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 303(2), 317(2), 317(4) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, Rule 56(2) Bihar Mineal (Concession, Prevention of Illegal Mining, Transportation & Storage) Rule, Section 21 M.M. (D.R.) Act, 1957 and Section 15 of the Environment Protection Act, 1986.

3 . As per the 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 minning 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 has been made accused in this case merely because petitioner happens to be owner of one of the tractors, which were seized from the spot, but fact remains that petitioner was not involved in illegal mining of sand and his tractor was given to the contractor (Thikedar) on rent and contractor has misused the tractor of the petitioner. No incriminating material has been recovered from the conscious possession of this petitioner and he has got no concern regarding the alleged occurrence . Petitioner claims clean antecedent. Similarly situated co-accused persons have already been granted bail by this Hon'ble Court vide order dated 09.09.2025 in Cr. Misc. No. 58562 of 2025 .

5 . Learned A.P.P. for the State has opposed the bail petition .

6. Considering the aforesaid facts, clean antecedent of this petitioner and circumstances, let the above named



petitioner, in the event of arrest/surrender 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 learned A.C.J.M. - I, Madhubani in connection with Rahika P.S. Case No. 78 of 2025 , subject to condition as laid down under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 .

(Prabhat Kumar Singh, J)

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