

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56714 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- Bathnaha District- Araria

Md. Juwesh S/o Md. Jahir @ Jahir Vill.- Fena Belahi, Ward No. 12, PS-
Narpatganj, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 59126 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- Bathnaha District- Araria

1. MD. QUDDUS S/O MD. SHAFIQUE R/O VILL.- POSDAHA
BHANGAHI, WARD NO. 13, P.S.- FULKAHA, DISTT.- ARARIA
2. BINDESHWARI SADA S/O GULAY SADA R/O VILL.- POSDAHA
BHANGAHI, WARD NO. 13, P.S.- FULKAHA, DISTT.- ARARIA
3. MD. SHAMSHAD @ MOHAMMAD SAMSAD S/O MD. NAJAMUL R/O
VILL.- FENA BELAHI, WARD NO. 12, P.S.- BATHNAHA, DIST.-
ARARIA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE DEPARTMENT OF MINES, THE GOVT. OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56714 of 2025)

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 59126 of 2025)

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-09-2025

Heard the parties.

2. The petitioners are apprehending arrest in
connection with Bathnaha P.S. Case No. 137 of 2024 instituted



under Sections 191(2), 190, 126(2), 132, 352, 351(2)(3) of the Bhartiya Nayay Sanhita, 2023 read with section 21(4) of the M.M.D.R. and section 56 of the Mineral Concession, Prevention of Illegal Mining Transportation and Storage Amendment Rule, 2014 lodged on 12.12.2024 by the informant, Md. Arman.

3. As per the prosecution story, the informant, a Mining Officer, alleged that on information, two tractors were stopped, both were carrying illegal mining. However, in the meantime, the locals arrived, misbehaved with them and took away the tractors. This led to the FIR.

4. Learned counsel for the petitioners in Cr. Misc. No. 56714 of 2025 submit that petitioners are the owners/driver of the tractors stand implicated in the present case.

5. So far as Cr. Misc. No. 59126 of 2025 is concerned, submission is that the petitioner, Md Quddus is the owner of the vehicle and the fine amount of Rs. 1,07,988/- has been recorded in the FIR against his tractor. He do not have criminal antecedent and the last submission is that the petitioner, Md. Quddus irrespective of the outcome of the present case and/or accepting the allegation, intends to pay Rs.1,07,988/- in favour of Mines Department, Bihar through Demand Draft issued by the local State Bank of India branch to be submitted before the



concerned Court while the petitioners 1. Md. Juwesh, 2. Bindeshwari Sada and 3. Md. Shamshad @ Mohammad Samsad irrespective of the outcome of the present case and/or accepting the allegation, intend to contribute Rs. 5000/- each (totalling Rs.15,000/-) to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer stating that one being the owner of the vehicle, the others are driver/cleaner. They all were involved in the alleged occurrence.

7. Considering the submissions of the parties as also the fact that petitioners have no criminal antecedent, allegation is there, the petitioner Md. Quddus is ready to pay the sand amount (Rs.1,07,988/-) as recorded in the FIR while the other petitioners namely 1. Md. Juwesh, 2. Bindeshwari Sada and 3. Md. Shamshad @ Mohammad Samsad shall be contributing Rs. 5000/- each (totalling Rs. 15,000/-) to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India, FIR is there, they shall be facing the music, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to the payment of Rs. 1,07, 988/- by the petitioner Md. Quddus in favour of Mines



Department, Bihar and Rs. 5000/- each (totalling Rs.15,000/-) by the 1. Md. Juwesh, 2. Bindeshwari Sada and 3. Md. Shamshad @ Mohammad Samsad to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Bathnaha P.S. Case No. 137 of 2024 to the satisfaction of learned C.J.M., Araria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and



when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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