

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67349 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- NARDIGANJ District- Nawada

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1. Rakesh Kumar Son of Ramdev Yadav Resident of village - Kesauriya, P.S.- Nardiganj, District - Nawada.
 2. Bipin Kumar Son of Yadunandan Yadav @ Yadunandan Prasad Resident of village - Kesauriya, P.S.- Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines Inspector Nawada Dept of Mines Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, A.P.P.
For the O.P. No.2	:	Mr. Naresh Dikshit, Ms. Shruti Singh, Advocates

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-12-2025 Heard learned counsel for the petitioners, opposite party no. 2 and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 191(1), 191(2), 125, 130, 132, 303(2), 317, 3(5) of the Bharatiya Nyaya Sanhita.

3. As per F.I.R., these petitioners are owners of the tractors out of twelve tractors that were seized on the spot, which were allegedly involved in the illegal extraction of sand, causing a loss of ₹25,49,363/- to the Government.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this



case. These petitioner have been made accused on the ground that they are owners of the seized tractors. It is further submitted that, though the tractors belongs to these petitioners, no mining activities are said to have been found during the course of seizure, and malicious liability to the tune of Rs. 1,00,269/- has been fastened upon the petitioners. He further submits that there is a specific provision under Rule 41 of the Bihar Minor Mineral Concession Rules Act, 1972, which prescribes filing a complaint case, whereas the FIR lodged is contrary to the provisions of the legislation. It is also submitted that the petitioners have no criminal antecedents. Lastly, it is submitted that the petitioners propose to deposit Rs. 25,000/- without accepting guilt, which shall be adjusted in case liability is ascertained by following the process of law and also undertakes to pay any other amount for which these petitioners would be made liable in accordance with law.

5. Learned A.P.P. for the State as well as learned counsel for the opposite party no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail application is allowed. Let the above-named petitioners be enlarged on bail, in the event of



their arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing a bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each, to the satisfaction of the learned ACJM-II, Nawada, in connection with Nadriganj P.S. Case No. 130 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS and further on production of the receipt showing deposit of Rs. 50,000/- each towards the liability fastened by the department concerned, as well as the following conditions:

(i) One of the bailors shall be the family member/relative of the petitioners who shall provide official document to show their *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 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;

(iv) 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.

(Prabhat Kumar Singh, J)

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