

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61111 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- GRIYAK District- Nalanda

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SURENDRA YADAV S/o BHAGIRATH YADAV RESIDENT OF
VILLAGE- KHEMJI BIGHA, P.S.- GIRIYAK, DISTRICT- NALANDA

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines and minerals Deptt. Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Krishna Deo Raj
For the Opposite Party/s :	Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 10-09-2025 | <ol style="list-style-type: none">1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Giriyak Police Station Case No. 75 of 2025, dated 22.02.2025, disclosing offences under Sections 115(2)/125(a)/125(b)/126(2)/132/109/324(4)/303(2)/317(2)/3(5) of the Bhartiya Nyaya Sanhita.3. The prosecution story is that a raid was conducted by the Mining Inspector on the information received by him of illegal mining of soil near Panchane river. 05 tractors were caught during raid from the place of occurrence and the petitioner is one of the owners of the tractors. As per First Information Report, the co-accused persons were |
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indulged in illegal mining of soil causing revenue loss to the tune of Rs. 3,97,375/- to the Mining Department.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in the present case merely because his tractor was found near the place of occurrence during raid and altogether five tractors were seized from the place of occurrence. He next submits that the petitioner, who is 70 years old, is owner of the tractor and the driver had taken out the tractor for carrying goods. The petitioner was not aware about the fact that why the tractor was taken to the river bank by the driver. He further submits that similarly situated co-accused persons, namely, Mintu Kumar and Lalo Devi, who are also the owners of one of the seized tractors, have granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 37177 of 2025 and Cr. Misc. No. 54185 of 2025, respectively.
5. On the other hand, learned counsel for the Mining Department vehemently opposes the prayer for anticipatory bail and submits that near the place of occurrence, huge quantity of soil was extracted from the



river and the tractors, which were found near the bank of the river, were laden with soil for the purpose of trading.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this court, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda, in connection with Giriyak Police Station Case No. 75 of 2025, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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