

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66140 of 2025

Arising Out of PS. Case No.-377 Year-2024 Thana- HISUWA District- Nawada

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1. Vikas @ Vikas Kumar @ Bikash Kumar Son of Pappu singh Resident Of Village- Belaru, Ps -Hisua, Dist -Nawada
 2. Pappu Singh @ Pappu Kumar Singh son of Late Yogendra Singh @ Late Yogendra Singh Resident Of Village- Belaru, Ps -Hisua, Dist -Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department of Mines and Geology, Govt. of Bihar, Patna bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Md. Ejaz Akhter, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the Mines Department:	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-09-2025 Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the Mines Department.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 303(2), 317(2), 318(4), 336(3) and 111 of the B.N.S..

3. As per prosecution case, on information having been received, it is stated by the informant that a search was conducted and two Hyvas and a truck were found loaded with sand. On asking for challan the same were produced, the details of which have been given in the FIR. Informant further states



that some of the accused persons were taken into custody. Further on going through the whatsapp in the mobile phone of one of the operators, a list containing names of several accused persons were found who were involved in illegal mining of sand. Said list indicated name of these petitioners.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. From the contents of the FIR itself it would transpire that no incriminating article has been recovered from the conscious possession of these petitioners and they have falsely been implicated in the case only on the ground that their names were found in a list in the mobile phone of one of the apprehended co-accused person. It is further submitted that similarly situated co-accused persons has already been allowed pre-arrest bail by this Hon'ble Court vide order dated 23.09.2025 passed in Cr. Misc. No. 59637 of 2025. The cause of false implication of the petitioners is their antecedent.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the Mines Department have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the



case, nature of accusation and claim based on parity, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged 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 A.C.J.M.-VI, Nawada in connection with Hisua P.S. Case No. 377 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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