

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68052 of 2025

Arising Out of PS. Case No.-300 Year-2025 Thana- HISUWA District- Nawada

1. Raushan Kumar @ Raushan Singh S/O Late Lakshmi Singh Resident of Village- Lakhmohna, P.S.- Akbarpur, District- Nawada, At Present R/O Vill.- Dhamaul, P.S.- Hisua, Dist.- Nawada.
2. Bittu Singh @ Rajendra Prasad @ Rajendra Prasad Nirala S/O Arun Kumar @ Arun Singh R/O Vill.- Chhatihar, P.S.- Hisua, Dist.- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Mining Officer, Nawada (Department of Mines and Minerals) Nawada

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Man Mohan Kumar, Advocate
For the State	:	Md. Matloob Rab, APP
For Mines Department	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-11-2025 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 111(3), 111(4) and 303(e) of the B.N.S..

3. As per prosecution case, informant, who is a mines inspector, alleged that a raid was conducted near Khanpur at Dhanarjay river and during search it was found that illegal mining is continuing there. The local people named the accused



persons involved in illegal mining, including these petitioners which led to lodging of the present F.I.R..

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Petitioners have been made an accused in this case merely on the basis of statement of local people. Save and except the same, there is no material on record to show the complicity of these petitioners in the alleged offence. No incriminating article has been recovered from possession of these petitioners. Similarly situated co-accused person has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 27.08.2025 passed in Cr. Misc. No. 57044 of 2025.

5. On the other hand, learned A.P.P. for the State and learned counsel for the mines have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, general and omnibus 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 Additional Sessions Judge IV, Nawada in connection with Hisua P.S. Case No. 300 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S. with the following conditions:-

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(v) the petitioner 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 petitioner shall desist from committing



any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Prabhat Kumar Singh, J)

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