

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72085 of 2025

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

Nitish Kumar @ Nitish Yadav S/O Sunil Yadav R/O Village- Maluka Bigha,
P.S- Hisua, Dist - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mines Inspector, Nawada Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Birendra Kumar, Advocate
For the Opposite Party/s :	Mr.Rajendra Nath Jha, A.P.P.
For the Mines	Mr. Naresh Dikshit, Advocate
	Ms/Mrs. Kalpna, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-11-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Hisua P.S. Case No. 300 of 2025 instituted under Sections 111(3), 111(4), 305(e) of the Bhartiya Nayay Sanhita, 2023 lodged on 23.05.2025 by the informant, Santosh Prakash Jha.

3. As per the prosecution story, the informant, 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 named the accused persons including the petitioner.

4. Learned counsel for the petitioner submits that there is no eye-witness to the occurrence and name of the petitioner has come on the statement of the local people.



Petitioner has got no criminal antecedent. Co-accused, with similar allegation, has already been allowed pre-arrest bail by a co-ordinate bench of this Court vide order passed in Cr.Mis.No. 57044/2025 (annexure P/2).

5. Learned counsel for the State as well as Mines Department oppose prayer submitting that the local people have named him.

6. Considering the submissions of the parties as also that there is no eye-witness to the occurrence nor anyone has seen the movement of the petitioner save and except on the basis of a person, he do not have any criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his 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) with two sureties of the like amount each in connection with Hisua P.S. Case No. 300 of 2025 to the satisfaction of the Additional Chief Judicial Magistrate V, Nawada 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 bailors should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

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

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

(v) 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) 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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