

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74674 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- IMADPUR District- Bhojpur

-
1. Sonu Kumar @ Sonu Singh @ Ritesh Kumar son of Ladan Singh @ Ramakant Singh Resident of Village -Bihta P.S -Imadpur District- Bhojpur Bihar
 2. Ashish Kumar @ Shibu Kumar @ Shibu Singh Son of Nepali singh Resident of Village -Bihta P.S -Imadpur District- Bhojpur Bihar
 3. Dharmendra Singh @ Dharmendra Yadav son of Kamla Yadav Resident of Village - Paschimi English, P.S -Imadpur District- Bhojpur Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines and Minerals Dept., Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandan Kumar, Advocate
	:	Mr. Shivam Narayan Pandey, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the Mines Dept.	:	Mr. Naresh Dikshit, Advocate
	:	Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2025 Heard Mr. Chandan Kumar, learned counsel for the petitioner and Ms. Shruti Singh, learned counsel representing the Mines and Minerals Department, Bihar as also learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with Imadpur P.S. Case No. 83 of 2025 registered for the offence under Sections 303(2), 317(2), 112(2)(b), 111(6), 111(7) and 3(5) of the Bharatiya Nyaya Sanhita and section 39, 56(1) and 56(2) of the Bihar Minerals (Concession, Prevention



of Illegal Mining, Transportation and Storage) Rules, 2019, lodged on 26.06.2025 by the informant, Chandan Kumar Azad.

3. As per the prosecution story, the informant alleged that during several raids near Bihta Bagicha/Charugram huge quantity of sand were recovered/seized and the local chowkidar gave the name of 21 persons, which led to the F.I.R.

4. Learned counsel for the petitioner submits that they are labourers, have no role to play in the matter, are very poor persons, the chowkidar instead of naming the real culprit, every time gives their name which has led to the paragraph no.3 of the petition being elaborative, if granted relief, they will be diligently appearing in trial. Last submission is that without accepting the allegation or outcome of the present petition, the petitioners intend to pay Rs.10,000/- each (totaling Rs.30,000/-) to the Mines and Minerals Department, Bihar by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of bail bond.

5. Learned counsel representing the Mines Department opposes the prayer submitting that the chowkidar has named them.

6. Considering the submissions of the parties as also



that the fact that the Police has not come to final conclusion, 21 persons have been named, petitioners being three of them, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.10,000/- each (totaling Rs.30,000/-) to the Mines and Minerals Department, Bihar as undertaken by the learned counsel for the petitioners through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted at the time of execution of the bail bond and the same shall be handed over to the Mines and Minerals Department, Bihar after checking credentials .

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Ara, Bhojpur, in connection with Imadpur P.S. Case No. 83 of 2025 subject to 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 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 appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) 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;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

