

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70952 of 2025**

Arising Out of PS. Case No.-130 Year-2025 Thana- NARDIGANJ District- Nawada

Shambhu Kumar S/o Ishwari Prasad R/o Village - Sngowar Arnikeshopur, P.O - Masaurha, P.S - Nadriganj, District - Nawada, Bihar - 805110

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saurav Gupta S/o Late Suresh Prasad R/o Village - Mahendru, P.O - Mahendru, P.S - Sultanganj, District - Patna Presently posted as Mining Inspector, District - Nawada , Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kuldeep Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      08-10-2025

Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 191(1), 191(2), 125, 130, 132, 303(2), 317(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. The Petitioner is the owner of one of the twelve tractors that were seized on the spot, which were allegedly involved in the illegal extraction of sand, causing a loss of 25,49,363/- to the Government.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been named in the FIR; only a Sonalika tractor bearing Engine No. 3100DL83J781973F3



and Chassis No. KZQSG790959SM is alleged to have been found at the site, and the driver of the said tractor has been made accused. The petitioner has been made accused on the ground that he is the owner of the said tractor. It is further submitted that, though the tractor belongs to the petitioner, no mining activities are said to have been found during the course of seizure, and malicious liability to the tune of Rs. 1,00,269/- has been fastened upon the petitioner. It is further submitted that the house of the petitioner is near the bank of a river, and his tractor was forcibly taken from his residential premises where it was parked by the informant by using their power and falsely shown to have been seized from the site of occurrence. He further submits that there is a specific provision under Rule 41 of the Bihar Minor Mineral Concession Rules Act, 1972, which prescribes filing a complaint case, whereas the FIR lodged is contrary to the provisions of the legislation. It is also submitted that the petitioner has no criminal antecedents. Lastly, it is submitted that the petitioner proposes to deposit Rs. 25,000/- without accepting guilt, which shall be adjusted in case liability is ascertained by following the process of law and also undertakes to pay any other amount for which the petitioner



would be made liable in accordance with law.

5. The learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the above-named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing a bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned ACJM-II, Nawada / Successor Court, in connection with Nadriganj P.S. Case No. 130 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS and further on production of the receipt showing deposit of Rs. 25,000/- towards the liability fastened by the department concerned, as well as the following conditions:

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

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;



(iii) the petitioner(s) 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;

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

**(Ajit Kumar, J)**

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