

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71832 of 2025

Arising Out of PS. Case No.-230 Year-2023 Thana- BARAHAT District- Banka

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1. Anil Yadav S/O Ganauri Yadav Resident Of Village- Singhalu, P.s.- Banka, Dist.- Banka
 2. Mihial Yadav S/O Baiju Yadav Resident Of Village- Singhalu, P.s.- Banka, Dist.- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Assistant Director, Mines and Geological Dept. Banka Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash Dwivedi
For the Opposite Party/s	:	Mr. Rabindra Kumar- A.P.P. Mr. Naresh Dikshit

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-10-2025 1. Heard learned counsel for the petitioners, the learned counsel appearing on behalf of the Department of Mines and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 332, 333, 353, 386, 379, 411 of the Indian Penal Code and Sections 4(i), 21 of MMRD Act, 1957 and Sections 11, 41 BMCPIMTS Rules, 2019, 56(2) Rules 2019 and Mining Rules Amendment, 2021.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the



informant (Mines Inspector) alleges that while conducting raid having found illegal sand mining, a tractor was seized and when the same was being taken to the police station, the accused persons including the petitioners forcibly tried to free the tractor from the custody of police officer.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that similarly situated co-accused Banti Yadav @ Vikash Kumar Yadav and Sitaram Yadav had approached this Court seeking anticipatory bail by filing Cr. Misc. No.34422 of 2024 and the same was allowed by an order 31.07.2024 passed by a learned Coordinate Bench, thus based on parity, the petitioners seek bail. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. Sri Rabindra Kumar as well as the learned counsel appearing on behalf of the Department of Mines opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on



anticipatory bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-1, Banka in connection with Barahat P. S. Case No.230 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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