

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83442 of 2025

Arising Out of PS. Case No.-20 Year-2025 Thana- MALAYPUR District- Jamui

-
1. Kundan Kumar @ Kundan Rawat S/O Ramswaroop Rawat R/o Vill.- Kurab, P.S - Gidhaur, District - Jamui
 2. Bhasho Yadav @ Bhaso Yadav S/O Nakat Yadav R/o Vill.- Daulatpur, P.S - Jamui, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 18-12-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Malaypur P.S. Case No.20 of 2025 registered for the offences punishable under Sections 303(2), 317(2), 126(2), 109, 132, 111(3), 111(4), 111(5), 3(5) of the BNS, 2023.

3. The police on a tip-off illegal mining, conducted raid and found that some miscreants were carrying sands on tractor-trailer. When the police intercepted them, they started firing upon them. In retaliation and self-defence, the police force also fired upon the miscreants after proper warning, but instead of surrendering them, the miscreants fired continuously and succeeded in fleeing away. In the said raid, 4-5 tractors-



trailers were seized. The petitioner no.1 is said to be the owner of one of the seized tractor whereas the petitioner no.2 is the driver.

4. Learned Advocate for the petitioners contended that only because of the fact that the petitioner no.1 happens to be owner of the tractor and petitioner no.2 is the driver. Their names have been implicated in this case without there being any specific accusation as to whether they had in any manner participated in the crime. There is no disclosure with respect to the petitioners that they have anyhow objected the police force to discharge their duties. It is further contended that though the petitioners bear one criminal antecedent in relation to Mines and Minerals (Development and Regulation) Act, 1957 as well as the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019; however, they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners were found involve in making indiscriminate firing upon the police force along with other accused persons and, as such, they do not deserve the privilege of anticipatory bail.



6. Having considered the submissions advanced by the learned Advocate for the respective parties and considering the fact that the petitioners are not named in the FIR, besides the omnibus nature of allegation and in the said incident, none has sustained any injury, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Malaypur P.S. Case No.20 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

rohit/-

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

