

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85255 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- VALMIKINAGAR District- West
Champaran

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1. Bhola Sah @ Bhola Kumar Son of Balkishun Sah Resident of Village-
Hawai Adda, P.S.- Valmikinagar, District- West Champaran
 2. Balkishun Sah Son of Late Vishwanath Sah Resident of Village- Hawai
Adda, P.S.- Valmikinagar, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mines and Mineral Development Officer, West Champaran (Bettiah) Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Milind Kumar Mishra, Adv.
For the State	:	Mr. Bhanu Pratap Singh, APP
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P. Ms. Shruti Singh, Spl. PP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-12-2025 Heard learned Advocate for the petitioners and

learned Additional Public Prosecutor for the State as well as the

learned Advocate for the Mines Department.

2. The petitioners apprehend their arrest in connection
with Valmikinagar P.S. Case No. 102 of 2025, registered for the
offences punishable under Sections 109, 3(5) of the BNS and
Sections 11, 43 of the Bihar Minerals (Concession, Prevention
of Illegal Mining, Transportation & Storage) Rules, 2019 and
Section 4(1)(A) of the Mines and Minerals (Development And
Regulation) Act, 1957.

3. In course of raid conducted by the Inspector of the



Mining Department, one Mahendra Tractor bearing registration No. BR27501 TOMKM was intercepted; however the driver of the tractor attacked upon the Mining team during course of chase, due to which one of the Constable got fracture injury. Finally, the driver of the tractor succeeded in fleeing away. It is further alleged that 100 CFT sand was found over the tractor, which is said to be the product of illegal transportation.

4.Learned Advocate for the petitioners submitted that the entire allegation revolves around the driver of the tractor and only because of the fact that the petitioner No. 1 happens to be husband of the owner of the tractor, whereas petitioner No. 2 is the father of petitioner No. 1, their names have been implicated in this case. It is further contended that the reason behind false implication of the petitioners is nothing but their criminal antecedent, as has been mentioned in para-3 and recorded in the impugned order. The petitioners have nothing to do with the present occurrence but because of the mistake committed by the driver of the tractor in question, their names have been implicated in this case.

5. On the other hand, learned Advocate for the State and the learned Advocate for the Mines vehemently opposed the bail application and submitted that the petitioner Nos. 1 and



2 are carrying 3 and 6 criminal antecedent respectively and, as such, for this reason alone, they do not deserve the anticipatory bail.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the materials on record, especially the fact that the tractor in question is registered with the name of the wife of petitioner No. 1 and moreover both these petitioners are carrying 3 and 6 criminal antecedent over their head, this Court is not acceded to the prayer for anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail to the petitioners stands rejected.

7. However, if the petitioners surrender before the court below, preferably within a period of four weeks from today, their prayer for bail shall be considered without being prejudiced by the order of this Court considering the submissions of the petitioners forthwith.

(Harish Kumar, J)

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