

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4915 of 2026

Arising Out of PS. Case No.-367 Year-2025 Thana- GAYA MUFASIL District- Gaya

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1. Shyam Kumar S/o Naresh Sao R/o Village - Bhadeji, P.S - Mufassil, District - Gaya
 2. Guddu Kumar @ Guddu Saw S/o Naresh Sao R/o Village - Bhadeji, P.S - Mufassil, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Mines Inspector, Gaya Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s :	Mr. Abhay Kumar, APP
	Mr. Naresh Dikshit, Spl. PP Mines
	Mr. Shruti Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 26-02-2026 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 367 of 2025 dated 21.04.2025 registered for the offence punishable under Sections 111(3), 111(4), 303(2), 317(2), 317(4), 317(5), 61(2) of the Bhartiya Nyaya Sanhita, 2023, Section 21 of the MM (D&R) Act and Section 56 of the B.M. (CPIMT & S) Rule.

3. As per prosecution case, acting on information of illegal sand mining in the *Falgu* River, a police team conducted a raid and found several tractors loaded with illegally excavated



sand. On seeing the police, the accused persons fled away, leaving behind 14 loaded tractors containing about 66,584 cubic feet of sand. It is alleged that 23 named and 35 unknown persons were involved, causing a revenue loss of Rs. 70,91,196/- to the State Government revenue.

4. Learned counsel for the petitioners, at the outset submits that during dependency of the instant anticipatory bail petition, the petitioner no.1, namely Shyam Kumar has been arrested and seeks permission to withdraw this case against him.

4.1. Permission is accorded.

5. Accordingly, the instant anticipatory bail petition stands dismissed as withdrawn on having become infructuous as against the petitioner no.1, above named.

6. Now, the instant petition is confined only to the petitioner no.2, above named.

7. Counsel for the petitioner no.2 submits that in this case, the police party have seized 14 tractors but, none of them belongs to the petitioner and his name has surfaced in this case only on the basis of suspicion. It has next been submitted that the petitioner no.2 has two incidents but, in both of them, acquittal has been recorded.

8. On the other hand, counsel for the Mines Department



has opposed the prayer for anticipatory bail of the petitioner no.2 but, has not points out any specific as against him.

9. Having heard learned counsel for the petitioner and considering the fact that the petitioner no.2 is not the owner of any of the tractors seized the police and the petitioner no.2 having two antecedents in which acquittal has been recorded, this Court is inclined to extend privilege of anticipatory bail to the petitioner.

10. Accordingly, let the above named petitioner no.2, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gayajee in connection with Mufassil P.S. Case No. 367 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document / personal affidavit 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 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.

11. The learned court below is directed to verify the criminal antecedent of the petitioner no.2 and if the aforesaid submission of the counsel for the petitioner is found to be incorrect regarding his criminal antecedent, the bail bond of the petitioner no.2 shall not be accepted.

(Ajit Kumar, J)

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