

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4368 of 2026

Arising Out of PS. Case No.-506 Year-2025 Thana- BELAGANJ District- Gaya

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1. Ramkripal Kumar @ Horil Yadav S/o Anil Yadav
 2. Jaypal Kumar @ Ravi S/o Late Ramashish Yadav
 3. Pankaj Kumar @ Pankaj S/o Madan Kumar Albela
- All are R/o Village - Bhikhanchak, P.S - Belaganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manish Kumar No.2, Advocate
For the Opposite Party/s:	Mr. Humayou Ahmad Khan, APP
For Mines Department :	Mr. Brij Bihari Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 07-05-2026 Heard Mr. Manish Kumar No.2, learned counsel appearing on behalf of the petitioners; Mr. Humayou Ahmad Khan, learned APP for the State and Mr. Brij Bihari Tiwari, learned counsel for the Mines Department.

2. The petitioners seek pre-arrest bail in connection with Belaganj P.S. Case No. 506 of 2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 191(2), 191(3), 190,132,109(1),324(2),352,351(2),111 of the BNS and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, upon receiving secret information that certain persons were engaged in illegal sand excavation and loading sand from the Falgu



River, the police party proceeded to the said location. It is alleged that the petitioners, along with other co-accused persons, assaulted the police personnel, causing injuries to them, and thereafter fled away from the spot. Thereafter, one tractor was seized loaded with 40-50 cubic ft. sand.

4. Learned counsel appearing on behalf of the petitioners submitted that only general and omnibus allegations have been levelled against the petitioners. It is further submitted that altogether 13 persons have been named in the FIR, and some of the co-accused persons, against whom similar allegations have been made, have already been granted anticipatory bail by different co-ordinate Benches of this Court. Learned counsel fairly admitted that the petitioners don't have clean antecedents, however, it is contended that the petitioners have been falsely implicated merely on the basis of disclosures allegedly made by the local Chowkidar. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Mr. Brij Bihari Tiwari, learned counsel appearing on behalf of the Mines Department, submitted that he has received instructions in the matter and seeks time to file a counter affidavit. However, considering the nature of allegations, he submitted that the past conduct of the petitioners



cannot be said to be such that in view of the general and omnibus allegation, the petitioners may be released on pre-arrest bail.

6. Learned APP for the State also vehemently opposed the prayer for grant of anticipatory bail.

7. Having heard the rival submissions made on behalf of the parties, and considering the materials available on record, this Court finds that the issue of illegal sand mining in the State of Bihar is of serious concern. *Prima facie*, the complicity of officials of the Mining Department in facilitating large-scale illegal mining activities cannot be ruled out. In the present case, the alleged illegal mining activities were detected by the police authorities, and the petitioners, who are stated to be involved in similar criminal cases, have been made accused.

8. This Court further observes that the mandate of Article 48A of the Constitution of India, which casts a duty upon the State to protect and improve the environment, appears to have been seriously undermined. The role of the concerned authorities, particularly the District Administration of Gaya, raises substantial concern regarding effective enforcement against illegal mining operations.

9. The District Magistrate, Gaya, is hereby directed to



look into the allegations relating to illegal large-scale mining activities being carried out within his territorial jurisdiction and to take immediate and effective steps in accordance with law to curb such unlawful activities. While undertaking the aforesaid exercise, the District Magistrate shall keep in mind the constitutional mandate enshrined under Article 48-A of the Constitution of India, which casts a duty upon the State to protect and improve the environment and to safeguard forests and wildlife of the country.

10. However, considering that there is no specific allegation against the petitioners but the past conduct of the petitioner being not sound, I am not inclined to grant pre-arrest bail to the petitioner.

11. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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