

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1933 of 2026

Arising Out of PS. Case No.-312 Year-2025 Thana- SHEKHPURA District- Sheikhpura

Kanhaiya Kumar S/o Radhe Sharma R/o Village - Nimi, P.S - Shekhopur
Sarai, District - Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Mines Inspector, District Mining Office, Sheikhpura Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Adv. Mr.Avinash Shekhar, Adv. Ms.Simran Kumari, Adv.
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP
For the Mines Dept.	:	Mr.Naresh Dikshit, Spl.P.P. Ms.Shruti Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 28-01-2026 1.Heard learned counsel for the petitioner, learned Additional Public Prosecutor representing the State and learned counsel for the Mines Department.

2. This anticipatory bail application under Section 482 of BNSS, 2023 has been preferred by the petitioner after rejection of his anticipatory bail application by order dated 04.12.2025 passed by learned Principal District and Sessions Judge, Sheikhpura, seeking Anticipatory Bail in connection with Sheikhpura P.S. Case No.312 of 2025 dated 21.10.2025, registered for the offence punishable u/s 319(2), 318(4), 303(2), 338, 336(3), 336(4), 340(2), 341(1), 3(5) and 340(1) of the



Bhartiya Nyaya Sanhita 2023 and Rule 56 of the Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019, District-Sheikhpura.

3. Brief facts of the case, which are required to be stated are that the petitioner is holder of K License No.K/Sheikhpura/69/2025 and ID No.3334500301 in the district of Sheikhpura for stocking minor mineral. The main allegation against him is that 10,000 MT capping was added on his ID whereby 10,000 MT stone was shown to be deposited at his K-license site.

4. It is argued by learned counsel for the petitioner that petitioner has been falsely implicated in this case. It is argued that as soon as petitioner came to know that additional capping of 10000 MT of stones is being reflected on his ID, he immediately made a complaint in the form of his representation dated 12.09.2025 to the Assistant Director, Mines and Minerals, Sheikhpura but no action has been taken on his complaint. Then he made another representation dated 21.10.2025 to the Station House Officer, Cyber Police Station, Sheikhpura, which was also not considered. Thereafter, Assistant Director, District Mines Office, Sheikhpura, issued a letter / show-cause notice dated 07.11.2025 to the petitioner asking his explanation



regarding the said issue, which was replied by the petitioner vide his letter dated 13.11.2025 mentioning inter-alia that despite the transaction were shown on his ID, the same was not done by him and he is not aware of any physical movement of mineral to his K-license site. In the reply, it is also mentioned that he has not used the said 10000 MT quantity added in his ID. It is also submitted that the F.I.R. against the petitioner has been lodged on 21.10.2025 without deciding his representation dated 12.09.2025. Much emphasis has been given by contending that since the petitioner has not used the added 10000 MT stone, hence, he cannot be said to be the beneficiary and it appears that same has been done by someone in order to cause irreparable loss and injury to the petitioner with ulterior motive. Petitioner has no criminal history to his credit. Averment in this regard has been mentioned in paragraph no.3 of the affidavit. Pursuant to F.I.R. of this case, the petitioner has apprehension of imminent arrest. Lastly, it is submitted that in case the petitioner is granted anticipatory bail, he would not misuse the liberty and cooperate with the trial of this case.

5. Learned Additional Public Prosecutor representing the State as well as learned counsel for the Mines Department opposed the prayer for granting anticipatory bail to the



petitioner in the light of the allegations made in the F.I.R. It is submitted that petitioner has deliberately added 10000 MT of minor minerals on his ID through forged/blurred documents. Thus, the allegation relates to economic offence involving mineral theft/robbery digital manipulation of Government portal. They also submit that as on date there is no material on record to presume the false implication of the petitioner. Considering the prosecution case, cognizable offence is made out against the petitioner.

6. Having heard the learned counsel for the parties, I find that, it is not in dispute that representation of the petitioner as noted above has not been decided by the authority concerned. It is also not in dispute that it was the petitioner who first time himself brought the issue in question to the notice of the authorities concerned but they did not take pain to decide his representations and even the F.I.R. was lodged prior to submitting reply of the show-cause notice by the petitioner., which is violative of principle of Natural Justice. It is also not in dispute that the petitioner has not used the aforesaid added quantity of stones. Hence, there is no loss of revenue of the State. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of



anticipatory bail to the petitioner.

7. Looking to the overall facts and circumstances of the case, submissions of learned counsel for the parties as noted above, reasonable apprehension of arrest of the petitioner, taking into consideration the gravity of offence, nature of accusation and there being no possibility of his fleeing away from justice, this Court is of the view that in the light of guidelines laid down by the Hon'ble Apex Court in the case of **Sushila Aggarwal vs State (NCT of Delhi), (2020) 5 SCC 1**, prima facie the petitioner has made out a case for grant of anticipatory bail.

8. Accordingly, it is directed that in the event of arrest or surrender of the petitioner above-named within two weeks from today in the aforesaid case, he shall be released on anticipatory bail on his furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the concerned Court below in connection with the aforesaid case, subject to conditions laid down under Section 482 (2) of the BNSS, 2023.

9. With the aforesaid observations and directions, this anticipatory bail application is **allowed**.

10. In case, at any stage it is found that the petitioner has concealed his criminal history before this Court, learned Court



below shall be at the liberty to cancel the bail bonds of the petitioner after hearing him and getting satisfied that the he has concealed his criminal antecedents despite his knowledge of the same.

11. It is clarified that anything said in this order is limited to the purpose of determination of this anticipatory bail application and will not effect the merits of the case.

(Sanjay Kumar Singh , J)

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