

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9203 of 2026

Arising Out of PS. Case No.-39 Year-2025 Thana- PARAIYA District- Gaya

-
1. Dheeraj Kumar Son of Ram swaroop Yadav
 2. Raju Kumar Son of Krishna Yadav
Both are Resident of Village- Kamal Bigha, Ps- Konch, Dist- Gaya
 3. Nitish Kumar son of Ramjanam Yadav Resident of Village-Dharampur, Ps-
Konch, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Dept. of Mines and Mierals, Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Advocate
For the Opposite Party/s	:	Mr.Nand Kishore Prasad, APP
For O.P. No.2	:	Mr. Naresh Dikshit, Spl. P.P. Mines
		Ms. Shruti Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 12-05-2026 Heard learned counsel appearing on behalf of the

petitioner; learned APP for the State and learned counsel for

O.P. No.2.

2. The petitioners seek pre-arrest bail in connection
with Paraiya P.S. Case No. 39/2025 registered for the offence(s)
punishable under Sections 303(2), 317(2) and 3(5) of the BNS
and Section 21 of the Mines and Minerals (Development and
Regulation) Act, 1957 and Section 56 of the Bihar Mineral
(Concession Prevention of Illegal Mining, Transportation and
Storage) Rules, 2019.



3. As per the allegation made in the FIR, one truck were seized loaded with sand.

4. Learned counsel appearing on behalf of the petitioners submitted that offence is compoundable under Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules and petitioners seek to deposit the amount of compensation in accordance with the provision of the said Section.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of parties, as well as, the provision of Section 56(2) of the Bihar Minerals (Concession, Prevention of Illegal Mining Transportation and Storage) Amendment Rules, the petitioners are directed to submit the compounding fee, as well as, the amount of penalty, if any, before the District Mining Officer concerned. The District Mining Officer, after being satisfied, is directed to issue certificate to the extent that the offence has been compounded after the petitioners have deposited the required amount of penalty. The above exercise is required to be carried out within a **period of three weeks from the date of passing of the this order**. The District Mining Officer or



competent authority-cum-District Magistrate must not delay to act upon on or before the expiry of three weeks and communicate the same to the learned District Court within the said period. **During the time taken in process, no coercive action is required against the petitioners.**

7. Thereafter, the petitioners, above named, are directed to be released on pre-arrest bail, on such terms and conditions, as the learned District Court deems it fit and proper, **provided they surrender before the learned District Court within a further period of two weeks thereafter or the interim protection granted to them shall lose its force.**

8. The bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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

