

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8292 of 2026

Arising Out of PS. Case No.-1047 Year-2025 Thana- NAGAR District- Vaishali

Amit Rai @ Amit Kumar son of Sri Yogendra Rai @ Jogendra Rai R/o -
Konhara Ghat hela Bazar, Hazipur, P.S - Town Thana Vaishali, District -
Vaishali At Hazipur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Department of Mines and Minerals through its commissioner, Bihar, Patna
bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Rakesh Kumar Singh, Advocate
For the State : Mr. Dr. Ajeet Kumar, APP
For the Mines Department : Mr. Naresh Dikshit, Spl. P.P. Mines
Ms. Shruti Singh, Advocate
Mr. Utkarsh Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Department of
Mines and Minerals.

2. The petitioner is apprehending arrest in connection
with Vaishali Town P.S. Case No. 1047 of 2025, dated
29.08.2025, lodged under Sections 303(2) and 317(2) of the
Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS,
2023”), and under Section 56 of the Bihar Mining Rules, 2019,
pending before the Court of the D.A.S.J.-VII, Vaishali at
Hajipur.



3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioner alleging that on 27.08.2025 at about 11:30 AM, the police conducted a raid near the river bank at Harivanshpur on the basis of secret information regarding illegal mining and storage of sand. During the raid, a loader was seen loading sand onto a tractor, but the persons involved fled from the spot taking advantage of the flooded road.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the antecedents of the petitioner are clean. Counsel further submits that the petitioner is not the owner of the land.

5. Learned counsel for the Department of Mines and Minerals opposes the prayer for bail of the petitioner and submits that it has come to light that the petitioner is the person who has taken the land on lease, and on the said land, illegal sand was found.

6. In the present facts and circumstances, and particularly on the ground that the petitioner has taken the land on lease and illegal sand was recovered from his land, this Court is not inclined to grant anticipatory bail to the petitioner.



Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the Trial Court within a period of six weeks from today. In case the petitioner surrenders within the said period and is ready to pay the loss caused to the department by him, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the anticipatory bail of the petitioner has been rejected by this Court, and the Trial Court shall pass orders on the merits of the case.

(Dr. Anshuman, J.)

Aman Kumar/-

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