

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7459 of 2026

Arising Out of PS. Case No.-221 Year-2025 Thana- MOHANPUR District- Gaya

Binod Kumar @ Binod Yadav S/O Karu Yadav R/O Village- Pathaluwa, P.S.-
Mohanpur, Dist.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Mining Dept. Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar Barnwal, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar Singh, APP
For the Mines	:	Mr. Naresh Dikshit, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 06-02-2026 Heard learned counsel for the petitioner, learned
APP for the State and also learned counsel for the Mining.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 191 (2), 190, 126 (2), 111 (1), 121 (2), 132, 109 of the BNS.

3. The case of the prosecution, in short, is that illegal sand mining was being carried out from the Niranjana river. When the informant reached the spot, he found that 8-10 tractors with trailers were being illegally loaded with sand illegally by labourers. Thereafter, the informant along with other police personnel tried to apprehend the miscreants but they fled away. Informant seized the tractor and he was bringing the said vehicle to the police station. In the meantime, the petitioner



along with other co-accused persons armed with '*lathi*', '*danda*', '*bricks*' and '*stones*' attacked on them due to which they received injuries. Thereafter, all the accused persons fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the name of the petitioner has surfaced in this case on the basis of the confessional statement of local '*chodkidar*'. It is further submitted that the nature of allegation is general and omnibus. There is no specific allegation of overt act against the petitioner. It is contended that similarly situated co-accused, namely, Vikash Yadav @ Vikash Kumar has been extended the privilege of bail vide order dated 08.12.2025 passed in Cr. Misc. No. 82102 of 2025 by a co-ordinate Bench of this Court. It is further submitted that similarly situated co-accused has since been extended the privilege of bail by a Bench of this Court vide order dated 12.01.2026 passed in Cr. Misc. No. 87344 of 2025. Moreover, the petitioner is languishing in judicial custody since 21.09.2025 having no criminal antecedent.

5. Learned APP appearing for the State has opposed the prayer of regular bail.



6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mohanpur P.S. Case No. 221 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Sherghati, Gaya.

(Ashok Kumar Pandey, J)

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